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# FURTHER CORRESPONDENCE

RESPECTING

# MOROCCO.

PART 55.

JANUARY TO JUNE 1924.

F.O. 413/35

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# FURTHER CORRESPONDENCE

RESPECTING

# MOROCCO.

PART 55.

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# Further Correspondence respecting Morocco.

## Part 55.

### CHAPTER I.—TANGIER ZONE.

**(a.) Negotiations leading to Signature by Spain of the Tangier Convention.**

[W 131/17/41] No. 1.

*Sir E. Howard to the Marquess Curzon of Kedleston.*—(*Received January* 8, 1924.)

(No. 748.)

My Lord, *Madrid, December* 31, 1923.

WITH reference to my telegram No. 125 of the 28th December, in which I gave the substance of an important communiqué of the Military Directorate on the subject of the Tangier question, I have the honour to report that, while the "A.B.C." has, so far, refrained from commenting on the matter, the "Sol," "Debate" and other leading journals have taken advantage of the President's promise to mitigate the strictness of the censorship on this particular subject to give their views in leading articles to-day.

The "Debate" recognises the difficulties with which the Spaniards are faced and admits that they acquitted themselves well in view of the fact that they found themselves opposed by the united forces of England and France. No good Spaniard, however, could really be satisfied with the result. Not only have the traditional claims of Spain to a paramount influence in Tangier been disregarded, but Tangier has not even been in reality "internationalised." The place is virtually handed over to France and the result of the conference will be the establishment of a third Power in the Straits of Gibraltar, which should be exclusively Spanish. The Directorate are faced by an exceptionally difficult combination of circumstances. On the one hand, France and England, the most powerful countries in Europe, agreed to oppose Spanish contentions, and, on the other hand, within the country itself public opinion is solidly in favour of insisting on the fullest vindication of Spanish rights. The "Debate" cannot suggest any solution which will at the same time conciliate France and England and satisfy Spanish aspirations. It can only be hoped that General Primo de Rivera will take no final decision until those qualified to give an opinion have expressed their views freely in the press.

The "Liberal" applauds the Directorate's communiqué, especially the part which recommends serene consideration of the Tangier question and deprecates statements calculated to arouse passions which can only be harmful to Spain's international situation. The "Liberal" has no suspicion as to the benevolence of France's intentions; the duty of Spain is to contribute with broad-minded liberality, as far as she can, to the settlement of all European problems. The "Liberal" has always written in favour of the decisions of the Paris Conference, and trusts that General Primo de Rivera will decide to adhere to the statute of Tangier as drawn up by the plenipotentiaries at that conference.

The "Sol," in a leader of the 28th December, after expressing gratification that the Directorate, unlike former Governments, has taken the country into its confidence regarding Tangier, argues that the English representatives should have shown more consideration towards Spain, which renders great service to England by occupying the Spanish zone of Morocco and thus preventing other Powers from establishing a naval base opposite Gibraltar, and rendering useless the neutralisation of Tangier. This argument should be used if a Government less friendly to France shortly comes into power in England. If the statute cannot be modified the decision as to whether Spain should adhere or not depends largely on the attitude of the United States of America and Italy. If the latter adhere, it will be difficult for Spain to abstain and *vice versâ*.

In any case the clauses of the statute which are unfavourable to Spain are clear, the favourable clauses ambiguous; and Spain should at least insist on a protocol making the latter clearer and preventing their interpretation by France to the disadvantage of Spain. The onus of decision rests on the Directorate whose difficulties in this case are a legacy of former ill-advised Governments.

In a further article, headed "Spain sows in Morocco for others to reap," which appeared in the "Sol" of the 30th December, Señor Olariaga states that it had always been a rule for those who govern Spain to sign no convention regarding Tangier which did not categorically recognise the right of Spain to administer that place. They were ready to accept strategic limitations, but never to allow Tangier to be withdrawn from the zone of the Spanish protectorate. It would mean renouncing ancient rights and rather than do such a thing it would be better to leave matters alone; and, should others act in spite of Spain to protest but never to consent to such action. We were therefore considerably surprised when we heard that at the preliminary conference of experts in London, Spain had accepted the principle of internationalisation. What was the reason of this change? Spain had nothing to lose by the failure to solve the Tangier question, but everything to lose by accepting internationalisation. Certain short-sighted diplomats regarded the question as of a merely municipal nature, and did not realise that Spain had expended blood and treasure in Morocco and that others intended to profit by her sacrifices. Tangier internationalised will simply be a place where foreign Powers will organise their schemes for acquiring the riches created by Spaniards. What would France say if it was proposed to internationalise Casablanca? No wonder foreign newspapers exult over the Tangier Convention as over a victory. In this connection the commercial supplement to the "Times" publishes articles and maps of the zone and port of Tangier, remarking that England has attained her aims which were the neutrality of Tangier, the open door and more complete internationalisation. Now is the moment, says the "Times," to consider the possibility of opening to British trade the riches of the hitherto undeveloped Spanish zone.

It is not only the question of the Straits that interests foreign Powers; they wish to establish in safety elements of peaceful penetration which will not raise the dignity of Spain in the eyes of the Moors. We know our obligations under international treaties, but we have no wish to help other Powers to make a foreign port of Tangier and thereby take away the importance and value for us of Ceuta and Larache.

The "Epoca," which has all through shown consistant hostility to the convention, so far as details of the latter have reached it, reproduces a statement by Señor Goicoechea, President of the Spanish African League. Señor Goicoechea in this statement declared that the statute of Tangier in affirming the sovereignty of the Sultan over the town as good as amputated from Spain an organ essential to the development of her Mediterranean policy. The compensation offered afforded no more than the momentary relief of an anæsthetic in a surgical operation.

By virtue of the treaty of 1904 and of the Convention of Algeciras, Tangier, under a special régime, formed part of the Spanish sphere of influence, but by virtue of the present convention, Tangier depending upon the Sultan and protected by France, had practically been incorporated in the French zone. This was the real state of affairs which could not be blinked.

What was the national aspiration enounced in unforgetable language by Floridablanca in 1780, Cánovas in 1860 and Maura in 1904? It was that from Muluyu to Sebú no nation but Spain should set foot; and if in this zone there were to be different categories, Tangier would figure amongst the highest, immediately after Ceuta. There had been times when this national aspiration had been on the verge of fulfilment. In 1904 France and England had signed with Spain treaties placing this zone in Spanish hands exclusively. In Algeciras, France had agreed that Tangier should be placed on an equal footing with Casablanca, and would have admitted that



the police of Tangier should be exclusively Spanish, had not Germany objected to the police of Casablanca being exclusively French. Nothing had happened since which could justify the shelving of the arrangements which were come to then.

I have, &c.
ESME HOWARD.

P.S.—While the above despatch was in type, an article appeared in the "A.B.C." joining in the chorus of disapproval of the convention and strongly advising the Directorate not to sign.

E. H.

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[W 184/17/28] No. 2.

*Sir E. Howard to the Marquess Curzon of Kedleston.—(Received January 9.)*

(No. 12.)
My Lord, *Madrid, January 5, 1924.*

IN my telegram No. 125 of the 29th December, I reported that the Military Directorate had invited the Spanish press to state their opinion regarding the question of the Tangier statute, and had relaxed the censorship for that special end. With the Cortes dissolved, the press, when allowed to state its own opinion, affords practically the only means of gauging the state of feeling in the country, and, as General Primo de Rivera appears to intend to follow public opinion in this question, the views expressed are of corresponding importance.

In an article in its issue of the 1st instant, the "Liberal" summarises as follows the views that had appeared up to date in the press in response to the directorate's invitation:—

1. The Tangier statute overrides the secular rights of Spain to the possession of the Moroccan port, and would signify a lamentable loss of Spanish territory and a deplorable episode in the story of Spain's decline.
2. Spain is established in the north of Africa in order to render services valuable to England, and it was only just to expect that England should render Spain some service in return, and, consequently, have put up some defence of Spanish interests as against France.
3. Spain's sacrifices of blood and treasure in the Riff in order to give effect, at a fatal cost to herself, to an international agreement deserve to be rewarded with the recognition that Tangier, too, is a field for Spanish action, and forms an integral part of the Spanish sphere in Morocco.

For its part the "Liberal" does not agree that there is any public party in Spain which desires to make further sacrifices. But what is important is that Spanish opinion should recognise that Tangier is only a part of the general game of chess being played on the European chessboard, over which France and England face each other, and England, having put forward Greece as a pawn in the Turkish gambit with very lamentable results, is now endeavouring to put forward Spain in a similar manner as a means of dealing with the problem of Tangier. To sum up, says the "Liberal," a renunciation has been asked for on the part of Spain, and Spanish opinion must ask itself the question: What recompense has she been accorded in return?

The "Libertad" objects to the statute on much these same grounds as above, and the solution it favours is that Spain should not accept the statute unless Tangier, under such an international régime as may be thought fit, is incorporated in the Spanish zone.

On the same day a notice was published in the "Sol" to the effect that the "Liga Africanista Español" at its last meeting decided to present the following resolutions to the president of the Military Directorate:—

1. To beg the Military Directorate, whose patriotism, zeal and good intentions are well known, to consider the immense responsibility it would undertake in giving its ratification to the disastrous convention signed in Paris with regard to the régime of Tangier and the Tangier zone.

2. To beg the directorate to permit the Liga, in the discharge of its duty, to publish its attitude of opposition to the ratification of the convention.
3. To convey the first of these resolutions to the knowledge of His Majesty the King, praying that His Majesty also will intercede with the directorate to prevent the proposed ratification.

I have, &c.
ESME HOWARD.

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[W 242/17/28] No. 3.

*Sir E. Howard to the Marquess Curzon of Kedleston.*—(*Received January* 10.)

(No. 6.)
(Telegraphic.) R. *Madrid, January* 9, 1924.

IN note received to-day President of Military Directory informs me that, after careful examination of Tangier Convention, he is compelled to state that in its present form it does not satisfy legitimate aspirations of Spain.

Acceptance of internationalisation represented maximum sacrifice on the part of Spanish Government, but principle of internationalisation has been distorted in the convention to the detriment of Spanish influence, and unless some modifications can be introduced to re-establish necessary equilibrium, Directory will be under the painful necessity of refusing to adhere.

As regards native population, they accepted institution of Mendub, but this acceptance must be conditional on internationalisation being real and effective as regards Europeans.

They do not ask that post of administrator should be permanently Spanish, but they do desire that a Spaniard should hold the position in rotation, and they require some more definite guarantee of this than the theoretical possibility afforded by convention in its present form. They would agree to appointment of a Frenchman for the first six years, but they require to be assured that a Spaniard will be elected at the end of this period. After twelve years, if convention is extended, they would support election of Frenchman unless His Majesty's Government desire to put forward British candidate.

They are approaching French Government with this object, and they are convinced that, since latter cannot intend to monopolise the leading rôle in administration for ever, they will have no objection to agreeing to private arrangement in this sense to be annexed to the treaty. As regards customs, they ask that a Spaniard be appointed as second controller, with sufficient powers to ensure impartial application of *ad valorem* régime, an appointment fully justified by extent of Spanish interests. They further ask for rectification of frontier of Ceuta and Melilla zones to meet their needs for expansion and strategical defence. Exact proposals are not quite clear, and I am asking for explanation.

Directorate had made representations in this sense to French Government as protectors of Sultan, but they also appeal for friendly intervention of His Majesty's Government.

Spanish Government have further approached French Government in connection with application of certain articles, and they must await expression of French concurrence in their views before they can adhere to the convention. These points deal with revision of list of Spanish protected persons, jurisdiction of Spanish consul over natives of Spanish zone, definition of functions of Director of Public Health and Municipal Engineer, dissolution of all existing tabors, and disarmament of natives.

Above represents very least which they can ask, and while they are convinced French Government will accede to these very moderate demands and not compel them to refuse to adhere to the convention, they appeal for friendly mediation of His Majesty's Government which will be much appreciated by the Spanish public.

(Repeated to Tangier by post.)

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[W 259/17/28] No. 4.

*Mr. Phipps to the Marquess Curzon of Kedleston.*—(*Received January* 11.)

(No. 64.)
My Lord, *Paris, January* 10, 1924.

WHILST waiting to see M. de Peretti this morning at the Quai d'Orsay, I met the Spanish Ambassador, who was bound on a similar mission. His Excellency acquainted me with the Spanish desiderata in connection with Tangier, &c., which he had yesterday brought to the notice of the President of the Council, and of which your Lordship will have been informed by Señor Merry del Val.

I enquired what reception his communication had met with at M Poincaré's hands, and Señor Quinones de León assured me that it had seemingly been very favourable. From M. Poincaré's manner he had derived the impression that no objection would be raised on the French side to the Spanish wishes. He maintained to me that these wishes had been expressed chiefly with a view to impressing public opinion in Spain and to saving the face of the Directorate.

I have, &c.
ERIC PHIPPS.

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[W 324/17/28] No. 5.

*Memorandum communicated by M. Merry del Val, January* 11, 1924.

*Spanish Government's Proposals regarding Guarantees for the Interpretation of the Tangier Statute and Compensations.*

A DEFINITE binding assurance from France that the Chief Administrator of the Tangier zone to be appointed at the termination of the first six years from the promulgation of the Statute shall be a Spanish subject. The Spanish Government is disposed to take the engagement that a French citizen shall be appointed to fill the office of Chief Administrator at the expiry of the second delay of six years unless Great Britain should be desirous of an appointment for a British subject thereto, thus establishing a regular turn between the two nations every six years.

2. Appointment of a second customs collector or inspector who will be a Spanish subject for the purpose of verifying the impartial application of the *ad valorem* system.

3. A limited extension of Spanish territory around the towns of Ceuta and Melilla to comprise buildings and public works of different kinds which in the course of time have been established beyond the present treaty boundaries. In the case of Ceuta, this extension would start from the Spanish redoubt "La Condesa," passing over the crests of the hills known as "Las Cudias" down to the shores of the bay opposite Isla del Perejil.

In the case of Melilla the modification of the present treaty boundaries proposed would start from the Spanish position of El Atalayon, on the southern shore of the Mar Chica (Bu-Erg) lagoon, and run through the pass of Nador and Taxuda and the crest of the Gurugu mountain to the beach of Cazaza, thus enclosing the peninsula of Tres Forcas.

4. The following articles of the Paris Convention are to be interpreted as follows:—

*Article* 13.—The representative of the Shereefian Government will revise the list of Spanish protected subjects at Tangier with the greatest possible benevolence. The specially protected subjects will all be respected as such.

*Article* 29 (paragraph 3).—All natives of the Spanish zone or proceeding therefrom and particularly those from the Riff will be under the jurisdiction of the Spanish consul under paragraph 3 of article 29. The Spanish consul, therefore, will be the proper official to request their expulsion from the Tangier zone, which will be at once granted as of right.

*Article* 35.—The Powers principally interested will fix by friendly agreement the field and scope of the functions peculiar to the Director of Public Health and Assistance, as well as those of the municipal engineers. In any case both the Spanish officials and

also the Director of Finance and the Engineer for State Public Works will have a staff of their own under their direct orders.

*Article* 47.—It is understood that, as a result of this article, not only the present tabors Nos. 1 and 2 on the Shereefian police, but also the so-called artillery tabor will be disbanded. The Spanish and French representatives will, moreover, assure the immediate disarmament of all natives of the Fahs Province who may possess arms for any reason whatsoever. It follows, therefore, that no Citizens' Guard or Rural Guard will be permitted.

*Spanish Embassy, London,*
*January* 11, 1924.

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[**W 242/17/28**] No. 6.

*The Marquess Curzon of Kedleston to Sir E. Howard (Madrid).*

(No. 5.)
(Telegraphic.) *Foreign Office, January* 11, 1924.

YOUR telegram No. 6 of 9th January: Tangier Convention.

We will await further explanations which you have asked for about frontier adjustments, and would like more detailed information regarding five points enumerated in penultimate paragraph of your telegram.

In the meantime we do not altogether understand Spanish attitude How, for instance, will internationalisation be strengthened by restricting right of assembly, which is an international body, to elect administrator freely on termination of first appointment, which it was agreed for special reasons to give to a Frenchman, comes to an end?

We cannot commit ourselves on present information, but if, by using our good offices in Paris, we can help to secure any reasonable Spanish demands, we shall gladly do so. We hope that Spanish Government, on their side, will take into account the harm which will be done to Spanish and British interests if the convention is not put into force and the French Government are left free to pursue their policy of penetration.

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[**W 242/17/28**] No. 7.

*The Marquess Curzon of Kedleston to the Marquess of Crewe (Paris).*

(No. 26.) [By Bag.]
(Telegraphic.) *Foreign Office, January* 11, 1924.

SIR E. HOWARD'S telegram No. 6 of 9th January: Tangier Convention.

The exact meaning of many of the Spanish demands is not clear from the telegraphed summary, and we are asking for further information from Madrid.

Please ascertain whether the French Government have received Spanish representations, and if so, what view they take of these demands. For our part we think that every reasonable concession should be made to the Spanish Government in view of the difficulties which they are encountering with public opinion in Spain.

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[**W 324/17/28**] No. 8.

*The Marquess Curzon of Kedleston to Sir E. Howard (Madrid).*

(No. 33.)
Sir, *Foreign Office, January* 11, 1924.

THE Spanish Ambassador called upon me yesterday afternoon under instructions from his Government to explain that they found it impossible to accept the recently concluded Tangier Convention without certain substantial modifications, which he desired my support with the French Government in order to enable his own Government to secure. After the conversation he left me a paper in which these modifications were summarised. But the three principal ones were of a character that enabled me without much difficulty to deal with them at once.



The first point was this: Spain desired to secure from France, and therefore from ourselves, a secret engagement that, when the term of office of the first administrator of the Tangier zone, who was to be a Frenchman, came to an end in six years' time, his successor should be a Spaniard for the ensuing six years, to be followed again by a Frenchman, and so on in a permanent rotation between the representatives of the two Powers.

I said that I could be no party to such an undertaking, which indeed seemed to me to be quite inconsistent with the whole theory of the new régime that we were setting up, namely that it was to be of an international character. If the chief post was to be occupied alternatively by a Frenchman and a Spaniard, the fiction of internationalisation had better be abandoned. Moreover, any such stipulation seemed to me to be quite unnecessary. A Frenchman had by common consent been accepted to be the first administrator, both because of the general predominance of French interests, and, still more, because the gentleman who was to be selected for the office was far better fitted than any other candidate in the field. If, at the end of his term, a Spaniard of equal or sufficient qualifications were forthcoming, I did not think it in the least likely that either France or Great Britain would resist his nomination. In fact, it was tolerably certain, given the necessary qualifications, that we should support it. Why, therefore, propose to make a secret agreement, which was not only unnecessary, but which, conflicting as it did with the entire theory of modern diplomacy, would probably come out and excite the severest condemnation?

His second point was that a second customs collector or inspector should be appointed, who should be a Spanish subject, for the purpose of verifying the impartial application of the *ad valorem* system.

Here, I said to his Excellency, he would have to make his peace with the French. Viewing their hold upon the trade of the port, and the fact that the customs had been almost entirely in their hands, I did not think it likely that they would make the suggested concession.

The third point was that for purposes of convenience and defence an area of territory should be taken round the two Spanish towns of Ceuta and Melilla and should become as much Spanish territory as the towns themselves.

I said that I did not quite understand why, inasmuch as these towns were surrounded by a sphere which was already under the Spanish protectorate, and in which their authority was therefore supreme, it was necessary to take these strips of ground, which appeared to me from his description to be of a rather considerable extent, out of the protectorate and add them to the two towns. On the other hand, I said, if the French were disposed to agree to this concession, I certainly should not wish to contest it. Indeed, I said, that with regard not only to this, but also to all the minor points, upon which the Ambassador then proceeded to enlarge, I should be only too glad to make it as easy as possible for the Spanish Government to sign the agreement, and to exert any reasonable pressure to persuade the French to adopt a similar line.

I am, &c.
CURZON OF KEDLESTON.

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[**W 328/17/28**] No. 9.

*Sir E. Howard to the Marquess Curzon of Kedleston.—(Received January* 14.)

(No. 23.)
My Lord, *Madrid, January* 10, 1924.

WITH reference to my telegram No. 6 of yesterday's date I have the honour to transmit herewith copy and translation of a note which I have received from the President of the Military Directorate, setting forth the modifications without which his Excellency states that the Spanish Government are unable to adhere to the Tangier Convention signed in Paris on the 18th December.

As regards annex No. 2 to this note, the Under-Secretary of State for Foreign Affairs explained, in answer to my enquiry, that the Spanish Government desired to have complete sovereignty over the territory which they proposed should be transferred from the Spanish zone and incorporated in that of the *places fortes* of Ceuta and Melilla.

I have, &c.
ESME HOWARD.

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Enclosure in No. 9.

*Marques de Estella to Sir E. Howard.*

(Translation.)

Your Excellency, *Madrid, January 7, 1924.*

THE necessity of providing for the adoption of some procedure which would represent on the part of His Majesty's Government an acceptance in principle of the Paris agreements in regard to the statute of Tangier, moved the Directorate to authorise their plenipotentiaries to adhere to those agreements *ad referendum*, and with certain reservations which were considered necessary. In this His Majesty's Government were actuated not only by the consideration above mentioned, but also by the earnest desire to be agreeable to the Cabinets of London and Paris by not prolonging any further the conferences at the Quai d'Orsay, at which Great Britain and France had already been shown to be in agreement. This conditional adhesion to the convention implied, however, that it was imperative for the Directorate not to take a decision on so grave a matter without serious and prolonged consideration.

2. Having completed this task in the most conciliatory spirit, and with the utmost deference and amiable feeling towards the Governments of the two friendly nations, the Directorate find themselves compelled to state that the convention signed at Paris on the 18th December last does not satisfy, in its present form, the legitimate aspirations of Spain, nor take into account the special consideration which, in all matters affecting the status of North Africa, is due to the immense sacrifices incurred by our country in that part of the continent.

3. The fulfilment of such aspirations can be honourably reduced to a minimum, and the Directorate acted in this spirit in accepting the principle of internationalisation as the full extent of our sacrifice, and as the expression of the respect due in foreign relations, to arrangements made in principle by preceding Governments.

4. But it cannot be expected that the organ of the Government which now controls the destinies of the country should assume the grave responsibility of reducing and imiting still further this minimum expression of our aspirations. And since, in the Paris Convention, the principle of internationalisation is emasculated to the detriment of Spanish influence, the Directorate will, failing some modification which will restore the necessary equilibrium, find themselves under the painful but absolute necessity of declining to adhere definitely to the agreement.

5. The principle of internationalisation has already been seriously infringed by the institution of the Mendub and the acceptance on our part of the attributions conferred upon him. In virtue of this the whole native population continues, subject to the Sultan, in many respects of its life, I beg to invite your Excellency's attention to the conciliatory spirit and the desire for concord shown by the Directorate in accepting such an innovation.

6. But this must be absolutely conditional on internationalisation being, so far at least as the European population is concerned, real and sincerely established, and reflected in the statute.

7. Now the terms of the convention place Spanish influence in this respect in a secondary position to the great disappointment and justifiable alarm of public opinion. Decided, as His Majesty's Government are—once the principle of internationalisation has been accepted—to conform loyally to its consequences, they instructed their plenipotentiaries not to aim at Spanish influence occupying exclusively the first place, and consequently to abstain from claiming that the supreme direction of the administration should for all time be conferred on a compatriot. But this does not mean to say that the Directorate can, without opposition from public opinion, agree to the exclusion of our country in fact and in practice, from participating—in the highest place—in the task of administering Tangier. The theoretical possibility presented by the existing terms of the convention is not sufficient. His Majesty's Government acquiesces, I repeat, in not controlling Tangier on a permanent arrangement, since they recognise and respect the claims to share such a mission with Spain, possessed by England and France—the countries principally interested besides our own—but they legitimately aspire to alternate in the high direction of that administrative function, and require some guarantee that this will be the case more definite than the theoretical possibility in favour of a future Spanish administrator, which is implied in the Paris conventions. Out of a feeling of friendship towards France, and in the same spirit of conciliation by which it has been animated in the examination of all the terms of the convention, the Directorate will agree to the functions of administrator being exercised by a French citizen during the first period of six years.



8. To enable them to do this, however, they would require the security that at the expiration of that period of time a Spanish subject should be elected to the office of Administrator. At the termination of the second period of six years, His Majesty's Government would, on the assumption, of course, that the convention is prolonged, adopt the necessary measures to provide that the vote of the Spanish elements in the said Municipal Assembly should ensure the fresh election of a French citizen, and so on in future, unless His Britannic Majesty's Government should then desire to put forward some candidate of their nationality.

9. In order to arrive at this just and reasonable alternative the Directorate is addressing the Government of the French Republic in the conviction that, since they surely do not cherish the intention of claiming, in fact, and for ever, the leading rôle in the administration of Tangier, there will be no objection to affording the Spanish Government—in a private arrangement annexed to the treaty—the clear proof of such just and reasonable intentions.

10. Another of the points which the Directorate cannot but consider with special attention is that connected with the customs. In their desire to reduce these last claims to the smallest possible proportions, His Majesty's Government do not aim in this matter at the position of chief of this organisation being held in rotation, a concession which might present special difficulties. What they do absolutely desire, however, is the appointment of a Spanish Second Administrator or Controller with sufficient powers to ensure the impartial application of the *ad valorem* régime.

11. The importance of our colony, the close economic connection of the zone of Tangier with the zone of our influence in the Empire, and the the amount of Spanish trade make the existence of such an official perfectly legitimate.

12. In addition to these concessions, and as special compensation granted to Spain in connection with the Tangier Convention, in consideration of the points on which they have given way, and of the undeniable difficulty and thankless nature of their task in Africa, the Directorate must obtain a rectification of the frontiers of the fortresses of Ceuta and Melilla so as to extend the zones of sovereignty to a degree which, although limited, is needed, not only for the material expansion beyond the present boundaries of residential and industrial constructions, but also to ensure the defence of these outlying districts from such positions as will cover and defend them from attack.

13. Such was the principle which in ancient treaties determined the basis on which the limits of sovereignty were fixed. And it is evident that, with the progress of modern armaments, the application of the principle—the only rational and fair one—now requires readjustment.

14. To give your Excellency a concrete idea, subject when the time comes to a more definition, I transmit herewith to your Excellency a note explaining the new boundaries which might, in principle, be fixed for the fortresses of Ceuta and Melilla.

15. His Majesty's Government are fully aware that this question of a smal extension of the zones of sovereignty of Ceuta and Melilla is one which is contingent upon the will of His Majesty the Sultan of Morocco. For this purpose, as well as for the solution of the other points to which this note refers, the Directorate are, as I have already informed your Excellency, addressing the Government of the French Republic, protector of the Moroccan sovereignty. This is no reason, rather the reverse, why the Directorate should not also have recourse to the friendly intervention of His Britannic Majesty's Government through your Excellency's good offices, not only because of the special nature of the question of the zones referred to above, but because in everything connected with the solution of the difficulties which have most recently arisen in connection with the statute of Tangier, the Spanish Government desire, and are in duty bound, to have recourse to the friendly intervention of that of His Britannic Majesty, from whose amiable mediation it hopes for a result which can in the long run only benefit the interests of the three countries principally concerned.

16. His Majesty's Government have further asked the Government of the French Republic to agree to certain rules of application in regard to which they consider it desirable that, before they adhere to the Tangier Convention, the Government of Paris should express their concurrence. This forms the subject of the note which, animated by the desire of keeping your Excellency informed of everything connected with these negotiations, I have the honour to transmit to your Excellency herewith.

17. The Government of His Majesty have, after careful consideration, endeavoured to confine national aspirations regarding Tangier within such moderate limits that it would be difficult for any Spanish Government to curtail them further. The Spanish nation, which has been bearing in a spirit of generosity and abnegation all the sacrifices demanded by the fulfilment of the mandate of Europe in the most unconquerable and

rebellious part of the Moroccan Empire, would fail to understand how our country could be expected to give its money and the lives of its sons in thankless and costly enterprises, and then, when the moment arrives, be excluded from collaboration of a peaceful and civilian nature.

18. In view of these considerations, founded on lofty morality and obvious justice, the Directorate feel sure that the Cabinet of Paris will accede to the very moderate claims embodied in the present note, and will not place His Majesty's Government in the painful position—which, with all their heart and in all sincerity, they desire to avoid—of refusing their definitive adhesion to the convention of the 18th December.

19. The Directorate are convinced that His Britannic Majesty's Government are sincerely desirous of seeing the Paris negotiations converted into a definitive arrangement, which will constitute a guarantee of firm and lasting conciliation, and a solid foundation for the development and prosperity of the city of Tangier, and they therefore are confident that the negotiations having reached this last phase, and the Spanish claims being so moderate and reasonable, the Cabinet of London will endeavour to see that these claims are satisfied by interposing their friendly mediation, which, I can assure your Excellency, will be warmly appreciated by public opinion, which is awaiting the result of these negotiations with such legitimate and sustained attention and natural misgivings.

I avail, &c.
MARQUES DE ESTELLA.

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ANNEX No 1.

*Manner of Application of certain Articles of the Paris Agreement respecting Tangier, as understood by His Majesty's Government.*

*Article* 13.—The revision of the list of Spanish protected subjects at Tangier will be carried out on the part of the representative of the Shereefian Government in a spirit of the greatest benevolence, special protégés being as a matter of course respected.

*Article* 29 (*Section* 3).—Natives born in or coming from the Spanish zone, particularly the Riff, will be under the jurisdiction of the Spanish consul as regards the provisions of section 3 of article 29. It will therefore be for the Spanish consul to demand their expulsion, should occasion arise, and this will be accorded as of right.

*Article* 35.—The sphere of action and the attributions of the Director of Public Health and Public Assistance, and of the Municipal Engineer should be determined by an amicable agreement between the Powers principally interested.

It is understood in any case that each of the said Spanish officials, as also the Director of Finance and the State Engineer of Public Works shall have at their disposal a staff placed directly under their orders.

*Article* 47.—It is understood that in virtue of this article, not only the two existing tabors, Nos. 1 and 2, but also that known as the artillery tabor are disbanded. The representatives of Spain and France will also use their influence to secure the immediate disarmament of any natives of Fas who, for any reason, may be in possession of arms. In consequence, the existence of any *somatén*, or civil rural guard, will not be permitted.

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ANNEX No. 2.

*Approximate Boundaries which His Majesty's Government desire to see Recognised.*

*Ceuta.*—From the position of La Condesa, passing through the heights of Las Cudias as far as the bay opposite the island of Peregil.

*Melilla.*—From Atalayon through the collado of Nador and Taxuda, the heights of the Gurugu to Cazaza beach, enclosing the peninsula of Tres Forcas.

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[W 313/17/28] No. 10.

*The Marquess of Crewe to the Marquess Curzon of Kedleston.—(Received January* 14.)

(No. 28.) [By Bag.]
(Telegraphic.) *Paris, January* 13, 1924.

YOUR telegram No. 26 and Sir E. Howard's telegram No. 6 of 9th January.

In conformity with your Lordship's instructions I went to see the President of the Council this morning. He agreed that, in view of Spanish public opinion, it is desirable to meet the Spanish desire for modifications so far as is possible, and he told me what the French Government are prepared to do. They would try to meet the Spanish Government on some minor matters affecting the Franco-Spanish frontier, and therefore not directly interesting His Majesty's Government. Of the three main points put forward by the Spaniards, they would agree to the request that, at the end of the first six years' term, a Spaniard should be elected to the post of administrator, but M. Poincaré did not say whether this would be formally included in the treaty or annexed to it by private arrangement. They would also make no difficulty in the appointment of a second controller of customs as requested by the Spanish Government. On the third point—that of the extension of the two Spanish zones—M. Poincaré said that he must still stand out. The Spanish demands were for a very large area, and he could only conceive that the application was made with a definite strategical *arrière-pensée*, that of creating a strong fortified post which would prove a disturbing element in North Africa. He was convinced, indeed, that His Majesty's Government would share his views, that the creation of a second Gibraltar on the other side of the Straits is inadmissible. I said that the Spanish Ambassador, when describing the requests to me, had based this last one on the extended range of cannon since the 5-kilom. boundary was established, and M. Poincaré observed that if all limits of this kind were to be extended to the possible range of a "Bertha," some curious consequences would follow. The other serious reason against the extension of the zone at Melilla is that it would mean the abstraction from the Sultan's rule of a number of villages inhabited by tribesmen intensely hostile to the Spaniards. These last had never succeeded in overcoming the dislike of the Moorish population, who, on the other hand, are on excellent terms with the French, and voluntarily served in large numbers during the war. At one critical time in the first two years, Verdun was garrisoned exclusively by Moroccan troops, who had behaved admirably, both as fighting men and as disciplined soldiers.

I asked whether it might be possible to arrive at some compromise on this third question by giving the Spaniards some part of what they asked for. M. Poincaré said that if a barren or uninhabited area is found to exist beyond any part of the present frontier, this might be included in the zone, but he could not agree to the inclusion of an inhabited district for the reasons he had just given.

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[W 409/17/28] No. 11.

*Sir E. Howard to the Marquess Curzon of Kedleston.—(Received January* 16.)

(No. 8.)
(Telegraphic.) *Madrid, January* 16, 1924.

I TO-DAY gave Under-Secretary of State gist of your telegram No. 5. As regards suggested appointment of a Spanish administrator after French administrator's term of office, he said that idea of Spanish Government was that this would be a means to prevent successor to first administrator being also French. If he were French, post would come to be regarded as definitely secured to France. Spanish Government would not insist on second administrator being Spanish, but only on his not being French.

He then told me he had received telegram from Spanish Ambassador in Paris with message from French Government objecting to Spanish proposals generally, but saying they might allow not a Spanish controller of customs but a Spanish agent merely to look after passage of Spanish goods through customs. The Under-Secretary of State said this would not at all satisfy Spanish Government, who wanted an official to control application of *ad valorem* rates, which, if left entirely to the French, would be used unfairly to other nationalities. As regards territorial changes,

Spanish Ambassador had telegraphed that French Chargé d'Affaires here would inform Spanish Government that these could not be discussed before signature of convention, but might be discussed afterwards, and after it had been proved that land asked for was practically uninhabited. French Chargé d'Affaires had, however, made no such communication, and Under-Secretary of State rather suspected some trick in regard to this.

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[W 411/17/28] No. 12.

*Count de Saint-Aulaire to the Marquess Curzon of Kedleston.—(Received January 17.)*

AINSI que sait le Gouvernement britannique, le Ministère d'État à Madrid a remis, le 11 de ce mois, à l'Ambassadeur d'Angleterre et au Chargé d'Affaires de France une note exposant les vues du Gouvernement espagnol sur la Convention relative au Statut de Tanger.

Ce document fait allusion à une modification de frontières autour de Ceuta et de Melilla. Pour la première de ces villes, l'extension sollicitée représente un agrandissement représentant deux fois et demie le territoire actuel. Pour Melilla, l'agrandissement de territoire est d'environ 240 kilom. carrés, soit près de cinquante fois la superficie du préside.

Le Maréchal Lyautey, consulté à ce sujet par M. Poincaré, lui a répondu que le Sultan manifestait la plus vive répugnance à céder une partie même réduite du territoire marocain. Pour des raisons religieuses et pour des motifs de prestige personnel, il ne lui paraît pas possible de consentir à un pareil abandon.

Le Gouvernement français a donc fait savoir à Madrid qu'il se trouvait dans l'impossibilité morale de faire sur le chef de la communauté musulmane du Maroc une pression qui serait ressentie dans tout l'Islam. Une nouvelle intervention auprès de Moulay Youssouf ne pourrait avoir lieu que si les territoires, dont la cession est demandée, ne contenaient pas de sujets musulmans, ce qui est une contradiction avec les données géographiques que possède le Gouvernement français.

En faisant connaître à sa Seigneurie le Marquis Curzon de Kedleston la demande du Gouvernement espagnol et la réponse du Gouvernement français, le Comte de Saint-Aulaire a été invité à s'enquérir de la manière de voir du Gouvernement britannique, que M. Poincaré serait très heureux de connaître.

Le Comte de Saint-Aulaire saisit, &c.

*Ambassade de France, Londres,*
*le 15 janvier 1924.*

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[W 432/17/28] No. 13.

*Sir E. Howard to the Marquess Curzon of Kedleston.—(Received January 17.)*

(No. 9.)
(Telegraphic.) *Madrid, January 16, 1924.*

YOUR telegram No. 8.

Under-Secretary of State for Foreign Affairs, speaking of question of extension of Spanish territories of Ceuta and Melilla, told me this was question to which his Government attached great importance as being most likely, if granted, to reconcile Spanish public to signature of convention. My impression is that Spanish Government, in putting forward this demand, want to make sure in case of ultimate evacuation of Spanish zone of Morocco that above-mentioned territories should have enough hinterland not only to make their defence more secure, but also to facilitate supplies.

It strikes me also that vague reference to concessions that France might give in Spanish zone, which King of Spain made in his conversation with me on the 20th December (see my despatch No. 734) has crystallised into this demand for extension of territory, and he is therefore probably personally interested in its being granted.

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[W 435/17/28] No. 14.

*Sir E. Howard to the Marquess Curzon of Kedleston.—(Received January 17.)*

(No. 10.)
(Telegraphic.) R. *Madrid, January 16, 1924.*

FRENCH Chargé d'Affaires this evening gave me a copy of French note dated 15th January to Spanish Government relative to Tangier. Note states that Spanish Government had already received French reply respecting proposed extensions of territory, and French Chargé d'Affaires told me that it was in the negative.

Negative replies are also given as regards (1) Spanish administrator; (2) withdrawal of authority of Mendub of Moors belonging to Spanish zone but inhabiting Tangier; (3) appointment of Spanish controller in customs though appointment of subordinate Spanish official is agreed to.

On the other hand, French Government agree to revision of list of Spanish-protected subjects being made in most liberal spirit, and agree to assembly having complete liberty as regards attributions of heads and employees of departments. French Government accept suppression of artillery tabor, and finally would agree, if Spanish Government sign, to Bishop of Tangier being Spanish subject for twelve years after statute comes into force.

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[W 449/17/28] No. 15.

*Sir E. Howard to the Marquess Curzon of Kedleston.—(Received January 17.)*

(No. 11. Confidential.)
(Telegraphic.) *Madrid, January 17, 1924.*

MY immediately preceding telegram.

French Chargé d'Affaires said that President of Directory, to whom he handed note personally yesterday, received it most calmly. He said he must discuss matter with entire Directory before giving reply. For himself he could only say that if it was impossible to grant extensions of territory requested he should prefer evacuation of Spanish zone. In fact, he repeated what he said to me previously (see my telegram No. 6). French Chargé d'Affaires urged him in any case to sign, as otherwise Spain would only be in same position as any other signatory to Act of Algeciras and would lose advantages conferred by convention. French Chargé d'Affaires told me he would let me know result of meeting of Directory as soon as he heard.

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[W 435/17/28] No. 16.

*The Marquess Curzon of Kedleston to the Marquess of Crewe (Paris).*

(No. 37.)
(Telegraphic.) R. *Foreign Office, January 18, 1924.*

SIR E. HOWARD'S telegram No. 10 of 16th January: Tangier Convention.

Attitude of French Government towards Spanish demands appears to have undergone complete change since M. Poincaré's first reception of them as reported in your telegram No. 28, from which we understood him to be in agreement with our view that everything within reason should be done to satisfy Spanish public opinion.

According to our latest information from Madrid all that Spanish Government desire as regards administrator is that French Government should agree to some arrangement which would ensure that first French chief administrator should, when his term of service expires, be succeeded by one of other than French nationality. We cannot believe that French Government, in view of ready way in which arrangement as regards first administrator was agreed to, will not be willing to meet the Spanish Government on this point.

As regards customs, Spanish request appears to us not unreasonable, and we sincerely hope French Government will not maintain refusal. Compliance would surely not involve any real sacrifice on their part or materially affect the working of the arrangements as provided by the convention.

As to demand for increase of presidios of Ceuta and Melilla, we refrain, in view of explanations received from French Ambassador here, from urging any pressure

on Sultan to agree to Spanish demands in their present form. We think, however, that solution might be found, as foreshadowed by Comte de Saint-Aulaire, in agreeing to addition of as much territory comprised in Spanish demand as is virtually uninhabited. We hope French Government will go greatest possible length in this direction.

Please acquaint M. Poincaré with above views and express earnest hope of His Majesty's Government that, for sake of so little, French Government will not make it impossible for Spanish Government to confirm their signature of convention. We feel sure that French Government, no less than His Majesty's Government, would deplore final failure of negotiations conducted in so friendly and conciliatory a spirit and with so strong a desire on the part of all concerned to reach settlement of this longstanding question.

(Repeated to Madrid, No. 9.)

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[W 522/17/28] No. 17.

*Note by Sir Eyre Crowe.*

THE Spanish Ambassador spoke to me to-day about the Tangier Convention, referring to the statement made by Mr. McNeill in the House of Commons on the 16th instant. He enquired whether it was not in fact the intention of His Majesty's Government to defer ratification of the convention until it had been approved by Parliament.

I replied that Mr. McNeill appeared to me to have explained the position with clearness and accuracy when he stated that, unless the convention embodied provisions to which effect could only be given by special legislation in this country, the executive, exercising the prerogative of the Crown, had power to ratify a treaty without reference to Parliament. There had, however, been a number of recent and important precedents, namely, those of the several peace treaties, where His Majesty's Government had, as an exceptional measure, considered it right to give Parliament the opportunity of expressing its approval before ratifying the treaty. It was also generally known that the Labour party, who were about to form a Ministry, had frequently pronounced themselves in favour of establishing as a general practice that ratification of treaties should be preceded by parliamentary approval. It was, however, impossible for me, or even His Majesty's present Government, to give any indication as to the attitude which the Labour Government might take up in this matter.

The Ambassador then reverted to the unfavourable reception accorded by the French Government to the several demands put forward by Spain as a condition of her signing the convention, and he asked me what we thought of the situation. As his Excellency made no allusion to what Sir E. Howard in his telegram No 11 of yesterday has reported as to the last suggestions of the Spanish Government, I avoided referring to these, and confined myself to informing him that our news as to the French attitude had been rather conflicting, and that what we had heard from our Ambassador at Madrid was quite contrary to what we had been led to believe from the reports received from Paris. We were now waiting to get the position cleared up. Meanwhile, we had once again telegraphed to Paris in order to impress upon the French Government the importance of showing themselves as conciliatory as possible in dealing with the Spanish demands, since it was obviously in the interests of all of us, and not least of France, that the convention should receive the signature of Spain.

The Ambassador desired me to convey to the Secretary of State his thanks for the attitude we had taken up.

E. A. C.

*Foreign Office, January* 18, 1924.

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[W 484/17/28] No. 18.

*The Marquess of Crewe to the Marquess Curzon of Kedleston.—(Received January* 21.)

(No. 36.)

(Telegraphic.) R. *Paris, January* 20, 1924.

YOUR telegram No. 37 : Tangier Convention.

I spoke to President of the Council yesterday in the sense of the above, when he assured me that agreement had been practically reached. To-day Political



Director gave me a note which I am sending by bag, but said that Spanish Government were still holding out about extension of zone. French Government hope that His Majesty's Ambassador at Madrid may be instructed to press Spanish Government to withdraw this one outstanding objection, French Government having offered to include any uninhabited area round the town.

(Repeated to Madrid.)

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[W 411/17/28] No. 19.

*The Marquess Curzon of Kedleston to Count de Saint-Aulaire.*

Your Excellency, *Foreign Office, January* 21, 1924.

IN your note of the 15th instant you enquired the views of His Majesty's Government on the subject of the demand of the Spanish Government for an extension of the boundaries of the territories of Ceuta and Melilla.

2. In reply, I have the honour to inform your Excellency that instructions were recently sent to His Majesty's Ambassador at Paris to inform the French Government that, in view of the explanations contained in your note, His Majesty's Government would refrain from urging any pressure on the Sultan to agree to the proposed modification of the boundaries, but that, in their opinion, a solution might be found by adding to the *presidios* such territory as is virtually uninhabited. His Majesty's Government hoped that the French Government would go as far as possible to meet the wishes of the Spanish Government in this and other directions.

I have, &c.

CURZON OF KEDLESTON.

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[W 528/17/28] No. 20.

*The Marquess of Crewe to the Marquess Curzon of Kedleston.—(Received January* 22.)

(No. 144.)

My Lord, *Paris, January* 20, 1924.

IN conformity with your Lordship's telegram No. 37 of the 18th January, I went to see the President of the Council yesterday morning and handed him an *aide-mémoire* fully stating the view of His Majesty's Government. M. Poincaré was greatly pressed, he having to hold several meetings with Ministers, but he spoke with full confidence that the matter is at last definitely settled, the French Government having been able to meet the three main points on which the Spaniards had raised objections.

2. Later in the day I communicated with the Spanish Ambassador, who spoke hopefully, though not with certainty, of the prospect that an agreement would be reached. To-day M. Poincaré was engaged and not available for an interview, but when I went to see M. de Perretti della Rocca on other business he handed me a note on the subject of Tangier, of which a copy is enclosed with this despatch. The terms of this document do not seem entirely to justify the sanguine tone in which the President of the Council spoke yesterday, but I hope it may be found that the Spanish Government will be content to accept the modifications mentioned by M. Poincaré regarding the details of local administration, and that concerning the appointment of an assistant head of the Customs Department. M. de Perretti, however, spoke doubtfully about the expansion of the Melilla zone, as he believed that the Spaniards were still standing out for the inclusion of an area amounting, he said, to 250 square kilom., in which a large number of natives reside. As I have stated in my telegram No. 36 of to-day, he expressed the hope that your Lordship would instruct the British Ambassador at Madrid to urge the Spanish Government not to hold out for this large and altogether inadmissible inclusion. His Majesty's Government having already expressed their concurrence on this point, he trusted that your Lordship will co-operate in bringing about the conclusion of this troublesome question, now so near solution.

3. Some rumours had reached the French Government about the possibility of an application by Spain to the League of Nations, and I said we had heard something of the same sort, but only as a rumour. M. de Perretti observed that the poor League of Nations was always being asked to undertake the care of districts which are too

troublesome or too expensive for any Power to wish to hold them. In his opinion the object of the Spanish Government might well have been to secure Ceuta and Melilla as a strong fortified possession, and then to ask the League of Nations to exercise its authority over the Spanish zone as a whole.

I have, &c.
CREWE.

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Enclosure in No. 20.

*M. Poincaré to the Marquess of Crewe.*

PAR son aide-mémoire du 19 décembre, l'Ambassade de Sa Majesté britannique a bien vouloir entretenir le Ministère des Affaires étrangères des demandes du Gouvernement espagnol relativement à la signature de la Convention de Tanger.

Le Ministère des Affaires étrangères est heureux de faire savoir à l'Ambassade de Sa Majesté britannique que, par un télégramme en date de ce jour, il a invité le Chargé d'Affaires de France à Madrid à déclarer au Président du Directoire qu'il était disposé à lui donner satisfaction sur les trois points auxquels il subordonnait son adhésion à la convention du 18 décembre.

Le Gouvernement royal a renoncé en effet à sa demande relative à l'administrateur et il a accepté les propositions du Gouvernement de la République touchant la revision des protections et naturalisations, les anciennes concessions espagnoles à Tanger, la désignation d'un membre indigène musulman et d'un membre israélite agréables au Gouvernement espagnol ainsi que le régime religieux à établir à Tanger.

Le Gouvernement de la République accepte, de son côté, qu'un fonctionnaire espagnol de la douane soit mis à même de s'assurer de l'application impartiale du régime *ad valorem* à Tanger. Ce fonctionnaire serait nommé par le chef du service des douanes sur une liste de deux noms présentée par le Gouvernement espagnol. Il porterait le titre de " vérificateur principal " et, venant immédiatement après le chef du service sans toutefois pouvoir être son suppléant, il relèverait exclusivement de lui.

En ce qui concerne l'expulsion de Tanger des indigènes indésirables de la zone espagnole, elle serait de droit sur la simple demande du consul d'Espagne, étant entendu que ces indigènes ne seraient par soustraits à la juridiction du Mendoub.

Enfin, en ce qui concerne la délimitation des territoires de Ceuta et de Mélilla, le Gouvernement français promettrait d'appuyer auprès du Sultan une rectification des frontières établie de manière à ne pas englober des territoires habités par des Marocains. Cette rectification devrait être subordonnée à l'assentiment du Gouvernement de Sa Majesté britannique.

Le Gouvernement de la République a ainsi par avance donné satisfaction au désir exprimé par le Gouvernement de Sa Majesté britannique. L'Ambassadeur de la République à Londres a déjà dû porter les informations qui précèdent à la connaissance du Foreign Office.

R. POINCARÉ.

*Paris, le 19 janvier 1924.*

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[**W 556/17/28**] No. 21.

*The Marquess Curzon of Kedleston to Sir E. Howard (Madrid).*

(No. 10.)
(Telegraphic.) R. *Foreign Office, January 22, 1924.*

I LEARN from French Ambassador that his Government were recently informed by Spanish Ambassador in Paris that Spanish Government would sign Tangier Convention subject to satisfaction of their demands reduced to the following three points :—

1. Rectification of Ceuta and Melilla boundaries so as not to include inhabited territory.
2. Appointment of Spanish customs officer with certain defined duties.
3. Spanish consul at Tangier to be empowered to expel natives belonging to Spanish zone.

French Government agreed to all above concessions, but General Primo de Rivera has since reverted to original demand as regards boundary modifications and a deadlock appears to have been reached.



His Majesty's Government have given to Spanish demands strong support in Paris, but they would not feel justified in urging French Government to agree to the extensive cession of territory involved in Spanish claim.

Please inform Spanish Government and urge them to accept the important concessions offered by the French without pressing demand on which French Government will clearly not give way.

(Repeated to Tangier, No. 8.)

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[**W 556/17/28**] No. 22.

*Count de Saint-Aulaire to the Marquess Curzon of Kedleston.—(Received January 23.)*

LE 19 de ce mois, l'Ambassadeur d'Angleterre à Paris a fait part à M. Poincaré du désir qu'avait le Gouvernement britannique de voir le Gouvernement français donner satisfaction aux demandes du Gouvernement espagnol au sujet de Tanger. Lord Crewe a ajouté que son Gouvernement comprenait, toutefois, que le Sultan du Maroc ne pouvait consentir qu'à des cessions de territoires non habités.

D'autre part, la conversation entre Paris et Madrid, au sujet de la convention sur Tanger, en est arrivée au point suivant :

Antérieurement à la visite de Lord Crewe, l'Ambassadeur d'Espagne à Paris a répondu au Quai d'Orsay à la lettre de M. Poincaré du 14 de ce mois, dont le Comte de Saint-Aulaire a donné connaissance à sa Seigneurie le Marquis Curzon de Kedleston le 17 janvier.

M. Quinones de León a déclaré au Gouvernement français que le Gouvernement espagnol renonçait à sa demande relative à l'administrateur, qu'il acceptait les propositions françaises, sauf sur trois points : délimitation des territoires de Ceuta et de Melilla, désignation d'un fonctionnaire espagnol pour les douanes, expulsion de Tanger des indigènes indésirables de la zone espagnole. M. Quinones de León a dit à M de Peretti que si le Gouvernement français était disposé à donner satisfaction au Gouvernement espagnol sur ces trois points, dans les termes indiqués ci-dessous, le Directoire accepterait de signer immédiatement le statut de Tanger :

1. En ce qui concerne la délimitation des territoires de Ceuta et de Melilla, le Gouvernement français promettrait d'appuyer auprès du Sultan une rectification de frontière établie de manière à ne pas englober de territoires habités par des Marocains et sous réserve de l'assentiment du Gouvernement britannique.
2. En ce qui concerne le fonctionnaire espagnol de la douane, il serait mis à même de s'assurer de l'application impartiale du régime *ad valorem*. Il serait entendu que ce fonctionnaire serait nommé par le chef du Service des Douanes sur une liste de deux noms, présentée par le Gouvernement espagnol ; qu'il porterait le titre de " vérificateur principal " (" interventor principal "), et que, venant immédiatement après le chef du service, sans, toutefois, pouvoir être son suppléant, il relèverait exclusivement de lui.
3. En ce qui concerne l'expulsion de Tanger des indigènes indésirables originaires de la zone espagnole, elle serait de droit sur la simple demande du consul d'Espagne, étant bien entendu que ces indigènes ne seraient pas soustraits à la juridiction du Mendoub.

Le Chargé d'Affaires de France a déclaré au Général Primo de Rivera que le Gouvernement français acceptait de mentionner ces trois points dans un échange de lettres entre M. Quinones de León et M. Poincaré et qu'il consentait à surseoir jusqu'au 25 à la signature, qui devait avoir lieu le 18. Le Général Primo de Rivera, tout en appréciant l'esprit de conciliation du Gouvernement français, insista pour obtenir les rectifications primitivement envisagées à Ceuta et à Melilla.

Or, le Sultan du Maroc, d'après les dernières communications du Maréchal Lyautey, se refuse à consentir à l'abandon des sujets musulmans à l'Espagne, et M. Poincaré estime ne pouvoir passer outre à la volonté de Moulay Youssouf.

Dans ces conditions, le Gouvernement français a invité le Comte de Saint-Aulaire à demander à sa Seigneurie le Marquis Curzon de Kedleston de donner pour

instructions à l'Ambassadeur d'Angleterre à Madrid de faire tous ses efforts pour obtenir que le Gouvernement espagnol se contente des dernières concessions qui lui ont été faites et consente à signer le traité.

Le Comte de Saint-Aulaire saisit, &c.

*Ambassade de France, Londres,*
*le 21 janvier 1924.*

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[W 556/17/28] No. 23.

*Mr. MacDonald to Count de Saint-Aulaire.*

Your Excellency, *Foreign Office, January 24, 1924.*

IN your note of the 21st instant your Excellency was so good as to inform me of the present position of the discussions between the French and Spanish Governments arising out of the concessions desired by the latter before confirming their signature of the Tangier Convention, and you requested that His Majesty's Ambassador at Madrid should be instructed to use his influence to induce the Spanish Government to accept the concessions outlined in your note.

2. In reply, I have the honour to inform you that His Majesty's Government are glad to be able to use their good offices in the matter, and that instructions have been telegraphed to His Majesty's Ambassador at Madrid to use his best endeavour to persuade the Spanish Government to accept the concessions offered without pressing for further satisfaction in regard to the increase of territory at Ceuta and Melilla.

I have, &c.

J. RAMSAY MACDONALD.

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[W 685/17/28] No. 24.

*Sir E. Howard to Mr. MacDonald.—(Received January 26.)*

(No. 15. Confidential.)
(Telegraphic.) *Madrid, January 25, 1924.*

LORD CURZON'S telegram No. 10.

I yesterday handed to President of Directory and the King of Spain memoranda in the sense of this telegram. President said he was hopeful of arranging matter satisfactorily with the French Government on lines of giving every possible concession to native inhabitants of territories asked for by Spanish Government. He seemed to think that French Government were showing themselves more intransigent to His Majesty's Government than to Spanish Government in the hopes of getting His Majesty's Government to support them here. The King was less hopeful of being able to sign shortly, and insisted strongly on necessity of Spain obtaining real equivalent for concessions made by Spain. I gathered that His Majesty did not see altogether eye to eye with the President, who is, I believe, sincerely anxious to arrive at a solution. I am reporting conversation fully by despatch.

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[W 687/17/28] No. 25.

*Sir E. Howard to Mr. MacDonald.—(Received January 27)*

(No. 17.)
(Telegraphic.) R. *Madrid, January 26, 1924.*

MY telegram No. 15.

French Chargé d'Affaires states that he informed President of Directory yesterday, on instructions from French Government, that they could not give way on question of transferring to Spain lands occupied by Moors in neighbourhood of Ceuta and Melilla, and gave Spanish Government until 28th January to make up their minds as to signature of convention.

President replied that he had made certain fresh proposals in Paris involving cession to Moorish Government of Spanish rights over Ifni Bay in return for full concession at Ceuta and Melilla, and wished to await reply of French Government.



French Chargé d'Affaires stated that he did not know the attitude of his Government on this proposal, but warned President that M. Poincaré might refuse to consider extension of time limit for signature beyond the 28th. He asked that Embassy should again urge Spanish Government to sign. Do you wish Mr. Gurney to make further representations in this sense?

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[W 687/17/28] No. 26.

*Mr. MacDonald to Mr. Gurney (Madrid).*

(No. 11.)
(Telegraphic.) R. *Foreign Office, January 29, 1924.*

YOUR telegram No. 17: Signature by Spanish Government.

No need to say anything further at present.

(Repeated to Tangier, No. 11.)

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[W 763/17/28] No. 27.

*Note by Sir Eyre Crowe.*

THE French Ambassador communicated to me to-day a message from M. Poincaré to the effect that the French Government had allowed Spain another week (till next Saturday, the 2nd February) to come into the Tangier Convention definitely. The French Government had intimated clearly at Madrid that they could not agree to the cession of territory round Ceuta and Melilla demanded by the Spanish Government, as several Moorish villages would thereby be definitely transferred from the sovereignty of the Sultan to that of Spain, and in these circumstances M. Poincaré hoped His Majesty's Government would renew their friendly advice to the Spanish Government to give way on this point.

I asked the Ambassador whether the French attitude had been at all affected by the latest Spanish offer to cede to the Sultan the Spanish settlement at Ifni, which would compensate him for the transfer to Spain of the small villages in the north.

The Ambassador had not heard of this proposal and concluded that M. Poincaré's message was sent before that proposal had reached him.

I said I saw no objection to our repeating at Madrid our advice that the Spanish Government should endeavour to come to a friendly arrangement with France even at the expense of dropping some of their demands, if they found that they could not get these accepted completely, and that they should have regard to the dominating importance of letting the draft convention become operative, but, by its loss, we should be driven back to the unsatisfactory position from which the convention was to rescue us.

E. A. C.

*Foreign Office, January 29, 1924.*

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[W 750/17/28] No. 28.

*The Marquess of Crewe to Mr. MacDonald.—(Received January 30.)*

(No. 59.) [By Bag.]
(Telegraphic.) *Paris, January 29, 1924.*

SIR E. HOWARD'S telegram No. 17 of 26th January.

The Spanish Ambassador to-day begged me to urge the reasonableness of the proposed bargain of handing over Spanish rights in the enclave of Ifni Bay in exchange for areas round Ceuta and Melilla. He said that the French Government had submitted the proposal to Marshal Lyautey, and I should suppose that his opinion is likely to be conclusive. I told the Ambassador that at the Quai d'Orsay, when the question of Melilla was mentioned there, emphasis was laid on the impossibility of removing a number of Moors from the Sultan's sovereignty against his and their will. The Ambassador replied that he was not sure of the number in the Spanish enclave, but he believed that it would represent a fair compensation in the number of its inhabitants who would thus come directly under the Sultan. It is

no doubt most desirable to get this question out of the way, but I do not know whether you would be disposed to take further steps in favour of the Spanish offer, with the merits of which I do not pretend to be clearly acquainted. I shall be surprised if the French agree because, though of course I do not say so to the Spanish Ambassador, I know that their objection to the enlargement of the zone at Melilla is not solely due to care for the Moorish inhabitants, but is founded on the fear that some day or other Spain might be tempted to turn it into a formidable stronghold.

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[W 750/17/28] No. 29.

*Mr. MacDonald to Mr. Gurney (Madrid).*

(No. 14.)
(Telegraphic.) R. *Foreign Office, January* 30, 1924.

MY telegram No. 11: Tangier Convention.

Spanish proposal to cede Ifni has been referred to Marshal Lyautey, but we are not confident that his reply will be of nature to induce change of mind on part of French Government.

French Government have given Spanish Government till 2nd February to sign convention. It will therefore be well, after all, that you should urge upon President of Directory how deplorable it would be if he failed to reach an accommodation with French Government, who, it much be admitted, have displayed a most reasonable readiness to promote an understanding. Only demand on which they have not met Spanish Government in full is that relating to the Presidios, on which they declare they cannot go no further than they have offered. We earnestly trust that Spanish Government will have regard to dominating importance of allowing convention to become operative, lest we lose it altogether and find ourselves back in the unsatisfactory position from which it was to rescue us.

(Repeated to Tangier, No. 13.)

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[W 799/17/28] No. 30.

*Sir E. Howard to Mr. MacDonald.—(Received February* 1.)

(No. 61.)
Sir, *Madrid, January* 25, 1924.

WITH reference to my telegram No. 15 of to-day's date, I have the honour to report that I handed in a memorandum, of which I enclose a copy, to General Primo de Rivera, President of the Military Directorate, yesterday, in accordance with the instructions contained in Lord Curzon's telegram No. 10 of the 23rd January. After I had translated it for him, he observed that an agreement had already been reached between the French and Spanish Governments as to points Nos. 2 and 3, viz., the appointment of the Spanish customs officer at Tangier and the right of the Spanish consul to expel natives belonging to the Spanish zone, which was to be arranged by the Spanish consul indicating to the Mendoub such natives of the Spanish zone as he considers should be expelled from the international zone, on which it was agreed that the Mendoub should at once proceed to act in the sense desired.

As regards point No. 1, rectification of the boundaries of Ceuta and Melilla, he gave me to understand that the Spanish Government had never receded from their original demands as to the extent of the territories which they wished to be added to these *places fortes*. He emphasised the fact that in case the Spanish zone should ever cease to be under Spanish protection it was absolutely necessary for the defence and supplies of the two fortresses that they should have some larger extent of territory than they now possessed. He said that negotiations were still going on with the French Government on this point, and that the Spanish Government had offered a plebiscite to the inhabitants allowing those who objected to be under Spanish rule to move out and receiving an indemnity from the Spanish Government. He also stated that the Spanish Government were willing to give the most complete guarantees for local self-government, both civil and religious, to the Moorish inhabitants of these territories, and he still sincerely hoped that the French Government might agree in view of these concessions. He promised to give me a full account of the negotiations on this point which had taken place up to now between France and Spain, and he gave me to understand that in his opinion the French Government were really less intransigent than they had given



His Majesty's Government to believe. The reason for this was, he supposed, that they wished His Majesty's Government to bring pressure to bear on the Spanish Government to give way on the question.

His Excellency then went on to say that he wished to be perfectly frank with me, and that one of the reasons why he was so anxious to obtain the extension of territory around Ceuta was because, like all Spaniards, he hoped that some day it might be possible to recover Gibraltar for Spain, and he believed the only possible way to do so was to offer Great Britain a really acceptable equivalent, which would only be the case if Spain could guarantee that Ceuta, which he of course hoped would be the place to be exchanged for Gibraltar, had sufficient territory behind it to make it possible to defend the port, and also to provide the town and port with a good supply of water, which it did not at present possess. Such a water supply, he assured me, was to be found in the territory which the Spanish Government desired to see annexed to the present fortress of Ceuta. If this territory could be added to Ceuta he believed that Spain would be able to offer Great Britain something which was even better for her purpose than Gibraltar was at present. I told his Excellency that I thought that there could be no question at present of discussing this matter of the exchange, but I asked him if he wished me to repeat what he had said to His Majesty's Government, and he replied: "Certainly."

I then asked him whether he still entertained the idea which he had mentioned to me some days ago (see my telegram No. 12 of the 17th instant) of submitting to the League of Nations a project for internationalising the entire Spanish zone. He said he would tell me in strict confidence that the Spanish Government were preparing a project for an advance on Alhucemas in the spring. If this succeeded, and they were able to come to satisfactory terms with Abd el Krim and to obtain a state of peace in the zone, he thought that Spain might continue to maintain her protectorate of the zone. If, however, it failed, he proposed to tell the interested Powers that Spain had done her utmost to carry out her treaty obligations with regard to the zone, but that it had become too great a burden for her, and that she felt she must call on the assistance of the other interested Powers. He concluded by saying that if ever His Majesty's Government thought of discussing a proposal of the exchange of Gibraltar for Ceuta he would himself be perfectly willing to go to London in order to confer personally with you, Sir, on the subject.

I have, &c.
ESME HOWARD.

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Enclosure in No. 30.

*Memorandum.*

ACCORDING to information received by the Secretary of State for Foreign Affairs from the French Ambassador in London, the Spanish Ambassador recently informed the French Government that the Government of His Catholic Majesty were prepared to sign the Tangier Convention provided they could obtain satisfaction on the following points to which their demands had been reduced:—

1. Rectification of boundaries of Ceuta and Melilla so as not to include inhabited territories.
2. Appointment of a Spanish customs officer with certain defined duties.
3. Spanish consul at Tangier be empowered to expel natives belonging to the Spanish zone.

The French Government had agreed to all the above concessions, but the Spanish Government had since reverted to their original demands as regards the modifications of boundaries, and a deadlock appears to have been reached.

His Majesty's Government have strongly supported the Spanish demands in Paris, but they would not feel justified in urging French Government to agree to the extensive cession of territory involved in these Spanish demands.

Sir Esme Howard has accordingly been instructed by the Secretary of State for Foreign Affairs to express the earnest hope that the Spanish Government will accept the important concessions offered by the French Government, and will refrain from pressing extreme demands, on which it is clear that the French Government will not give way.

*January* 24, 1924.

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[W 800/17/28] No. 31.

*Sir E. Howard to Mr. MacDonald.—(Received February 1.)*

(No. 62. Very confidential.)

Sir, *Madrid, January 25, 1924.*

WITH reference to my immediately preceeding despatch, I have the honour to report that immediately after seeing the President of the Military Directorate, I went to the Royal Palace to present my letters of recall to the King of Spain. I took the opportunity of handing to His Majesty a copy of the memorandum enclosed in my despatch referred to above, and to express the hope that the Spanish Government would agree to sign the Tangier Convention at the earliest possible date. His Majesty expressed some surprise that I should in handing in this memorandum have acted upon instructions received from a Government which was *in articulo mortis*. I replied that I did so because I had no reason to suppose that the present Government of His Majesty was less concerned than the late Government to see the convention signed and the Tangier question settled as early as possible. I told His Majesty that I had presented General Primo de Rivera that morning with an identical memorandum and that his Excellency held out hopes of an early agreement between the two Governments even as regards the extension of territory around the fortresses of Ceuta and Melilla. The King had told me at a Court ceremony, held the day before in honour of his Saint's Day, that he believed that all would be shortly satisfactorily settled. I was therefore surprised to hear from him yesterday that he did not think that the signature was likely to take place so soon. In fact, I gathered that he was not altogether in agreement on the subject with the President of the Directorate. He reverted to his old arguments, saying that the Spanish zone had been shorn of so much territory since the idea of a Spanish zone was first mooted, and was now being placed as it were between the Scylla and Charybdis of the French zone in the south and an alleged international zone at Tangier, which would really be, in his opinion, practically under French domination, that he must stand out for some large concession if he was to make the convention acceptable to the Spanish people. I tried to draw His Majesty as to what he meant by large concession, but he gave me no definite answer and went on to say that in his opinion the only true solution for the question of the States in a manner both satisfactory to Spain and England was that Great Britain should accept Tangier in exchange for Gibraltar. I told his Majesty that in my opinion the question of the exchange of Gibraltar was one rather for the distant than for the near future and that in any case, if I might venture to speak so frankly, I did not see how he could propose to give us Tangier, which did not belong to him, for Gibraltar, which belonged to us. His Majesty took this in very good part, but reiterated his belief that this was the only solution. I then said that in the unlikely case of the British and Spanish Governments agreeing on such a point, it would be, I thought, quite impossible to induce the French Government to agree to it, and it was therefore outside the realm of practical politics. His Majesty replied that this might be so now, but circumstances might arise, which he did not explain, in which it might become possible. In any case he viewed with the greatest alarm the predominance of France in the Tangier zone as this would inevitably result in Spain being elbowed out of the western sector of her zone, which was the only valuable part of it.

I infer from the above that on this point also, that is to say the exchange of Gibraltar for a place on the southern side of the Straits, which seems to be occupying the minds both of the King and the President of the Military Directorate very considerably at the present moment, His Majesty's views do not altogether coincide with those of General Primo de Rivera.

I have, &c.
ESME HOWARD.

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[W 840/17/28] No. 32.

*Mr. Gurney to Mr. MacDonald.—(Received February 1.)*

(No. 20.)
(Telegraphic.) R.
TANGIER. *Madrid, February 1, 1924.*

I saw President of Directory last night and spoke to him in the sense of your telegram No. 14. He said that he was awaiting French reply to proposal regarding Ifni and that acceptance of convention must be dependent on satisfactory arrangement in regard to Ceuta and Melilla. But he seemed hopeful as to outcome of negotiations, and I think your message, showing as it does that attitude of His Majesty's Government has not changed, will make him less insistent on complete fulfilment of Spanish demands. Under-Secretary of State for Foreign Affairs, who was with him, asked whether His Majesty's Government had any objection to proposed cession of Ifni. I replied that so far as I was aware this was not the case.



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[W 865/17/28] No. 33.

*Mr. Gurney to Mr. MacDonald.—(Received February 2.)*

(No. 21.)
(Telegraphic.) R. *Madrid, February 2, 1924.*

MY immediately preceding telegram: Tangier.

French Chargé d'Affaires tells me that he communicated to President of Directory last night substance of telegram from Paris explaining reasons for which French must definitely refuse to agree to proposal in regard to Ifni.

President, who received information very calmly, stated that Spanish Government had decided to sign convention and that plenipotentiaries would proceed to Paris probably to-morrow.

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[W 904/17/28] No. 34.

*Mr. MacDonald to the Marquess of Crewe (Paris).*

(No. 52.)
(Telegraphic.) R. *Foreign Office, February 2, 1924.*

TANGIER Convention.

Spanish Ambassador this morning made verbal communication to effect that negotiations with French Government for satisfaction of Spanish territorial claims at Ceuta and Melilla in return for surrender of Ifni were progressing satisfactorily; that the French Government had expressed agreement in principle with the Spanish proposals, and that only the details remained to be settled.

French Government are aware how anxious we are for early signature of convention by Spain, and, if they are prepared to reach settlement on basis of Spanish proposals, we shall certainly raise no objection from our side.

Please inform French Government without delay, and express hope for early conclusion of negotiations.

(Repeated to Madrid, No. 15, and Tangier, No. 15.)

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[W 866/17/28] No. 35.

*Note communicated by Ministry of State to Sir E. Howard.—(Received in Foreign Office, February 4.)*

THE note addressed to the British Ambassador on the 7th instant gives a sufficiently precise idea of the position as it was then of the negotiations between the Governments of Great Britain, France and Spain respecting the Statute of Tangier.

From the above-mentioned date until the present time Señor Quiñones de León has continued to negotiate directly with the French Government with the object of obtaining the demands formulated by the Spanish Government in the above-mentioned note (addressed under the same date to the French Government).

In regard to acquiring in advance the support of the French Government, so that at the expiration of the first period of six years the French elements of the Municipal Assembly of Tangier should, for the re-election of the First Administrator of the zone, accord their votes to a Spanish candidate, the French Government have from the beginning offered a determined resistance which the Madrid Government, exhibiting once more their spirit of conciliation, did not wish to oppose beyond a certain measure in spite of the importance which they attached to their demand.

*Appointment of a Second Administrator of the Customs of Tangier.*

The French Government have agreed, at the suggestion of the Spanish Government, to the appointment of an official of Spanish nationality who will have the capacity of inspector-general of the *ad valorem* system and will follow in rank the Chief Administrator of Customs, but will not be able to deputise for the latter in his absence or *ad interim*. This difficulty is therefore settled in principle.

*Power of the Spanish Consul to expel from Tangier Moors originating from the Spanish Zone.*

In regard to this point the French Government have agreed that an application by the Spanish consul to the Mendub suffices in law to permit the said Mahommedan functionary to order the expulsion from Tangier of any natives originating from the Spanish zone and residing in or passing through Tangier whose names the Spanish consul may designate.

*Recognition of the Naturalisation of Spanish Jews in respect of the Concessions: Appointment of Spanish Mahommedan and Spanish Jewish Members of the Municipal Assembly.*

On this point the French Government reiterated the concessions which they had made to the Spanish negotiators through M. de Beaumarchais contemporaneously with the Paris negotiations.

*Rectification of the Zones of Sovereignty of Ceuta and Melilla.*

In regard to this point, which is the one which the Directorate consider as the most important, the most marked opposition was raised by the French Government, who finally offered, provided that the Spanish plenipotentiaries definitely sign the Convention of Tangier, to recommend subsequently to the Sultan of Morocco an extension of these zones on condition that no native population exists therein; or provided that such population is so scanty that its transfer to Moroccan territory can be undertaken with ease.

This formula does not satisfy the Spanish Government, not only on account of its principle and the limitations by which it seems to be surrounded, but because the Military Directorate desire that simultaneously with the signing of the Convention of Tangier the matter of the zones shall be settled amicably on general lines by means of a short *ad hoc* convention. In this sense they replied to the Paris Government, adding that the more precise and detailed delimitation of the future zones of sovereignty of Ceuta and Melilla should be effected after the signature of the convention by special commission, which would finish the matter on the terrain.

The moderate and reasonable nature of this proposal was nevertheless not sufficient to overcome the resistance of the French Government, who alleged difficulties arising, according to their way of thinking, from their position as an Islamic Power and the necessity under which they labour to refrain from provoking in the minds of the Mahommedans any spirit of discontent in relation to politico-religious questions, as the present question must be regarded—in the opinion of the French Government, that is—since it implies the cession to a Christian Power of a country inhabited by people attached to the faith of Islam.

Although not sharing the opinion of the French Government respecting the reality of such difficulties, and much less regarding their importance, the Directorate, desiring to make the utmost effort, even to the extent of fresh sacrifices, in order not to frustrate the rectification of the zones of Ceuta and Melilla, which they regard of prime importance, have gone the extreme length, in order to conquer the resistance above indicated, of offering to cede a portion of the territory of Ifni which pertains to the sovereignty of the Crown of Spain in exchange for the cession by the Sultan of Morocco, and consequently by the French Government, of the strips of Moroccan territory necessary for extending to the desired limit the said frontier zones of Melilla and Ceuta. In this manner disappear the obstacles which, in the opinion of the French Government, arise from the difficulty of a Mahommedan sovereign ceding a portion of his territory, seeing that it is not a question of cession but of exchange of territory.

The Spanish Government trust that after this last proof of moderation and generous spirit of accommodation the last of the opposition of the French Government will disappear, and that the conventions relative to the Statute of Tangier and the rectification of the zones of Ceuta and Melilla may be concluded at the same time and without delay.

*Madrid, January* 16, 1924.



[W 939/17/23] No. 36.

*Mr. Gurney to Mr. MacDonald.—(Received February* 5.)

(No. 80.)

Sir, *Madrid, February* 1, 1924.

AS reported in my telegram No. 20 of to-day's date, I saw the President of the Directorate last night and spoke to him in the sense of your telegram No. 14 of the 30th January in regard to the Tangier Convention. I also left with his Excellency an *aide-mémoire* containing the substance of your instructions.

2. The Under-Secretary of State for Foreign Affairs, who was with the President, asked whether His Majesty's Government had any objection to the proposal which the Spanish Government had put forward for the cession of the Spanish rights in the neighbourhood of Ifni in exchange for an extension of the zone of Ceuta and Melilla. I replied that I had no reason to suppose that this was the case and that, so far as I was aware, His Majesty's Government, in instructing me to make these representations, were merely influenced by the desire for the early acceptance of the Tangier Convention in order to put an end to the present unsatisfactory state of affairs.

3. The President said that the negotiations with the French Government were proceeding satisfactorily and that there were only one or two points of detail still outstanding, and that the Spanish Government hoped that their proposal in regard to the cession of Ifni, to which they were awaiting a reply, would overcome the objection put forward by the French Government to the transfer to Spain of the Moslem inhabitants of the territory round Ceuta and Melilla. Their acceptance of the convention must, however, be conditional on the fulfilment of their aspirations in this respect.

4. He frankly admitted that he had purposely drawn out the negotiations in order to give time for you to examine the question, as from reports received from England it seemed possible that your views on the subject might not coincide with those of the late Government, but he realised that the telegram which I had received showed that the attitude of His Majesty's Government remained the same and that this reason for delaying a settlement of the question no longer existed.

I have, &c.
HUGH GURNEY.

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[W 906/17/28] No. 37.

*Mr. Phipps to Mr. MacDonald.—(Received February* 5.)

(No. 73.) [By Bag.]

(Telegraphic.) *Paris, February* 4, 1924.

YOUR telegram No. 52.

I spoke to the Political Director at the Ministry of Foreign Affairs as instructed. M. de Peretti told me that Marshal Lyautey had made every effort to induce the Sultan to agree to the suggested surrender of Ifni in return for the Spanish territorial claims at Ceuta and Melilla. M. de Peretti added that the suggestion was a highly welcome one to the French Government, who would thereby have obtained possession of the rather troublesome piece of Spanish territory at Ifni in return for territory in which they had no interest in the Spanish zone. The future construction of a railway in those regions would thus have been facilitated. The Sultan, however, had proved absolutely obdurate, declaring that it was for him a question of prestige; that he could not consent to the transfer to the Spaniards of the numerous inhabitants in the territory claimed round Ceuta and Melilla, and that he took no interest whatever in Ifni, over which, moreover, he had never recognised Spanish sovereignty. In view of the Sultan's objections, the French Chargé d'Affaires at Madrid had informed the Spanish Government that the Spanish proposals could not be entertained, as the matter was one which would rouse Mussulman susceptibilities. He therefore urged the Spanish Government to give way, which they have done. Their plenipotentiaries are to leave Madrid to-night for Paris, and will probably sign in the course of the next few days.

M. de Peretti took visible pleasure in informing me of this belated and somewhat surprising assertion of the Sultan's authority, but the admission escaped him that that powerful and "independent" potentate had been "summoned" from Marrakesh to Rabat by Marshal Lyautey, who was prevented by the state of his health from undertaking the journey.

[W 1241/17/28] No. 38.

*Extract from the "Temps" of February* 15, 1924.

L'Application du Statut de Tanger.

(*Enclosed in Paris despatch No.* 343 *of February* 14; *received February* 15.)

LE Ministère des Affaires étrangères publie les lettres échangées entre M. Poincaré et M. Quiñones de León, Ambassadeur d'Espagne, relativement à l'application de la Convention de Tanger. Ces lettres enregistrent les concessions faites au Gouvernement espagnol, en interprétant et précisant les articles 2, 13, 20, 29, 34, 45 et 47 de la convention :

"*M. Poincaré, Président du Conseil, à son Excellence M. Quiñones de León, Ambassadeur d'Espagne à Paris.*

"M. l'Ambassadeur, "*Paris, le 7 février* 1924.

"Le Gouvernement de la République, désireux de manifester l'amitié qui l'anime à l'égard du Gouvernement de Sa Majesté le Roi d'Espagne et tout le prix qu'il attache au resserrement des liens de collaboration franco-espagnole au Maroc, est heureux de répondre aux désirs exprimés à Madrid en vous donnant les assurances suivantes :

"Dans l'application de la convention du 18 décembre 1923, il est convenu que :

"'Article 2. Le Gouvernement de la République n'a pas d'objection à admettre, pendant toute la première période de douze ans prévue à l'article 56 de la convention, qu'un prélat espagnol conserve à Tanger les privilèges qu'exerce actuellement Mgr. Cervera et qu'il continuera à exercer sa vie durant. Toutefois, une ou plusieurs paroisses françaises, suivant les besoins, devront être dès maintenant créées à Tanger, les prêtres ou religieux français de ces paroisses étant indépendants des prêtres ou des religieux espagnols et ne relevant de Mgr. Cervera ou de son successeur qu'au point de vue de la discipline ecclésiastique. Ce n'est qu'à l'expiration de la période envisagée ci-dessus que les deux Gouvernements de France et d'Espagne demanderont au Saint-Siège de confier l'administration religieuse de Tanger à un administrateur apostolique qui sera alternativement français et espagnol.

"'Article 13. Le Gouvernement de la République interviendra auprès du Gouvernement de Sa Majesté chérifienne pour que les listes des protégés espagnols à Tanger soient revisées dans le plus grand esprit de bienveillance.

"'Les naturalisations espagnoles conférées à des sujets marocains seront également revisées dans un esprit bienveillant. Celles de ces naturalisations qui sont antérieures à l'Acte d'Algésiras seront reconnues.

"'Article 20. Un fonctionnaire espagnol du service des douanes et du grade de vérificateur principal ("interventor principal") figurera dans le personnel des douanes chérifiennes de Tanger.

"'Cet agent sera nommé par le chef du service des douanes sur une liste de deux noms présentés par le Gouvernement espagnol. Il sera mis à même de s'assurer de l'application impartiale du régime *ad valorem*.

"'Placé sous l'autorité du chef de service et venant immédiatement après lui dans l'ordre hiérarchique, il ne relèvera que de lui et ne pourra cependant être son suppléant dans le service.

"'Article 29. En ce qui concerne l'expulsion de Tanger des indigènes originaires de la zone espagnole, elle sera de droit sur la simple demande du consul d'Espagne, étant entendu que ces indigènes ne sont pas soustraits à la juridiction du Mendoub.

"'Article 34. L'attention du Mendoub sera spécialement attirée par le consul d'Espagne à Tanger sur les titres d'un indigène musulman et d'un indigène israélite de Tanger à faire partie de l'Assemblée de la ville.

"'Il sera procédé à la nomination de ces indigènes après que l'examen de leurs titres aura fait l'objet d'une entente officieuse entre les consuls de France et d'Espagne à Tanger.

"'Article 45. Le Gouvernement de la République est disposé, si les concessions espagnoles de téléphone et d'électricité venaient à être contestées à



Tanger, à donner des instructions à son consul afin qu'il emploie son influence à faire reconnaître les titres ou les droits de ces deux compagnies. En ce qui concerne la compagnie espagnole d'électricité, les deux Gouvernements français et espagnol sont d'accord pour que chacun d'eux provoque des ententes entre la compagnie espagnole, un groupement français et, éventuellement, des firmes étrangères, pour l'exploitation de l'électricité à Tanger.

"'Le Gouvernement espagnol, le cas échéant, donnerait des instructions à son consul à Tanger pour faire reconnaître les titres de la compagnie des eaux si les titres de cette compagnie venaient à être contestés.

"'Article 47. Conformément aux dispositions de l'article 47, le "tabor d'artillerie" de Tanger sera supprimé en même temps que les tabors de police urbains et extra-urbains.'

"En dehors des précisions et interprétations ci-dessus, qui se rapportent à la Convention de Tanger, le Gouvernement de la République s'engage à demande à Sa Majesté chérifienne que les sources alimentant les places de Ceuta et de Melilla soient placées sous la souveraineté espagnole, ainsi que les chemins qui y mènent, étant bien entendu que seront réservés les droits des indigènes qui se servent de ces sources.

"Une commission serait désignée à cet effet d'un commun accord.

"Veuillez agréer, &c.

"Poincaré."

L'Ambassadeur d'Espagne a répondu par la note suivante :

"M. le Président, "*Paris, le 7 février* 1924.

"Par sa lettre en date de ce jour, votre Excellence me fait savoir que le Gouvernement de la République reconnait que, dans l'application de la convention du 18 décembre 1923, il est convenu que :

[La note reproduit ici le texte des précisions et interprétations de la lettre de M. Poincaré.]

"J'ai l'honneur d'accuser réception à votre Excellence de sa communication et de lui confirmer sur tous les points qui précèdent l'accord du Gouvernement de Sa Majesté avec le Gouvernement de la République, le Gouvernement royal étant non moins désireux que le Gouvernement de la République de manifester en cette circonstance l'amitié qui l'anime et le prix qu'il attache au resserrement des liens de collaboration hispano-française au Maroc.

"Veuillez agréer, &c.

"Quiñones de León."

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[W 1369/17/28] No. 39.

*Mr. Gurney to Mr. MacDonald.*—(*Received February* 19.)

(No. 124. Confidential.)

Sir, *Madrid, February* 16, 1924.

I HAVE the honour to report that I duly conveyed to the President of the Directorate the message contained in your telegram No. 16 of the 9th instant in regard to the signature of the Tangier Convention by the Spanish representatives. His Excellency expressed his appreciation of your message and his hope that the arrangements made under the convention would have beneficial results, but he made no further observations on the subject. The Under-Secretary of State for Foreign Affairs was present at the interview, and the President is always reticent on such occasions.

2. I understand, however, that he is not dissatisfied with the convention in its present form, or that he is, at any rate, glad to have the matter settled. As you are aware, General Primo de Rivera would prefer to see Spain's commitments in Morocco rather diminished than increased, and he would, I believe, not be averse to a complete withdrawal from that country.

3. In this he does not see eye to eye with the King, who has throughout shown himself more strongly opposed than the President to the signature of the convention, and I am informed that during his conversation with the new French Ambassador

after the presentation by the latter of his letters of appointment on the 12th instant, His Majesty clearly hinted that he was by no means satisfied with the convention.

4. M. Espinosa de los Monteros, the Under-Secretary of State for Foreign Affairs, has also expressed to me, of course quite unofficially, his belief that the signature of the convention was a mistake from the British as well as the Spanish point of view, and that it would have been both desirable and possible to conclude an arrangement providing for a more genuine form of internationalisation.

5. The army, too, feels strongly on the subject of the abandonment by Spain of her alleged claims to Tangier. In spite of repeated reverses in the field, they have, I understand, an unbounded opinion of their fighting capacity, and would willingly accept any amount of territorial responsibility in Africa, although it should perhaps be added that their desire for the maintenance and extension of Spanish influence in Morocco is at least partly due to the opportunity for peculation which is afforded to the army of occupation, an opportunity of which, as you are aware, the officers make full use.

6. It is difficult to gauge the state of public opinion, as the censor has not allowed any articles criticising the convention to appear in the press. The "Debate," however, of yesterday contained a long explanatory statement by the Spanish delegates, on which the "Sol," at any rate, promises to comment in due course. This statement will form the subject of a separate despatch.

I have, &c.
HUGH GURNEY.

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## (b.) Measures preparatory to Application of the Tangier Statute.

[**W 433/433/28**] No. 40.

*Count de Saint-Aulaire to the Marquess Curzon of Kedleston.*—(*Received January* 17.)

*Ambassade de France, Londres,*
*le* 15 *janvier* 1924.

M. le Marquis,

AU cours de la douzième séance de la Conférence sur le Statut de Tanger, tenu le 19 novembre dernier, les délégués ont étudié, entre autres questions, celle qui a trait aux protégés étrangers en résidence dans la zone.

Le délégué britannique a exposé, à ce sujet, que la situation de Si-el-Mehdi-el-Menebbhi méritait de retenir particulièrement l'attention, Si Menebbhi rentrant, en effet, dans la catégorie des protégés spéciaux prévus par la Convention de Madrid.

Mr. Robertson a ajouté qu'il n'était pas possible de conférer à Si Menebbhi la naturalisation britannique; enfin, il a fait savoir que le Gouvernement britannique serait également désireux de conserver comme protégés les fils de Menebbhi.

Le délégué français a répondu que, tout en comprenant le sentiment exprimé par son collègue britannique, il ne lui semblait pas possible d'insérer dans le statut, en faveur de Menebbhi, une clause qui pourrait être invoquée par d'autres protégés étrangers. Par contre, M. de Beaumarchais a fait savoir qu'il n'apercevait pas d'objection à ce qu'il fût mentionné au procès-verbal que "Si-el-Mehdi-el-Menebbhi, en sa qualité de protégé britannique et de Grand-Croix de l'Ordre de Saint-Michel et Saint-Georges, puisse se réclamer, sa vie durant à l'étranger, de la protection que voudront bien lui accorder les agents diplomatiques et consulaires de Sa Majesté britannique et à ce que cette exception fût consacrée par un échange de lettres entre les Gouvernements français et anglais."

Quant aux fils de Menebbhi, M. de Beaumarchais a fait observer que le Gouvernement royal aurait la faculté de les inscrire comme protégés spéciaux dans les conditions prévues par la Convention de Madrid.

Je suis chargé par M. Poincaré de faire savoir à votre Seigneurie que le Gouvernement français approuve les déclarations de son délégué à la Conférence sur le Statut de Tanger et la présente lettre constate de notre part l'accord réalisé sur ce point.

Veuillez, &c.
SAINT-AULAIRE.

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[**W 1319/17/28**] No. 41

*Count de Saint-Aulaire to Mr. MacDonald.*—(*Received February* 18.)

LE Gouvernement français suggère que la date du 1er mai soit adoptée pour la mise en vigueur du statut de Tanger. Cette date, si elle était acceptée par les Gouvernements signataires de la convention du 18 décembre, serait notifiée aux Gouvernements adhérents.

En attendant la mise en vigueur du statut, il conviendrait que les règlements et codes prévus fussent élaborés d'urgence, conformément aux dispositions des articles 33 et 48 de la convention.

M. Poincaré estime, pour des raisons d'ordre pratique, qu'il y aurait intérêt à ce que les codes fussent élaborés à Paris tandis que les règlements seraient préparés à Rabat; il y aurait avantage pour cela à ce qu'un jurisconsulte britannique et un jurisconsulte espagnol fussent désignés le plus tôt possible pour faire partie de ces commissions.

L'Ambassadeur de France a été chargé de s'enquérir des vues du Gouvernement britannique sur les points indiqués ci-dessus, et de demander à son Excellence le principal Secrétaire d'État de Sa Majesté britannique aux Affaires étrangères si elle aurait des objections à procéder sans délai à Tanger à la revision des protections et des naturalisations dans les conditions prévues par la convention.

Le Comte de Saint-Aulaire saisit, &c.

*Ambassade de France, Londres,*
*le* 13 *février* 1924.

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[**W 1335/17/28**] No. 42.

*M. Merry del Val to Mr. MacDonald.*—(*Received February* 19.)

(Translation.)

*Spanish Embassy, London, February* 18, 1924.

Your Excellency,

THE Spanish Government will be glad to be informed as soon as possible of the intentions of His Britannic Majesty's Government as to the ratification of the Tangier Convention recently concluded at Paris. The Spanish Government have not the least desire to delay this essential step. The simultaneous ratification of the convention by the three interested Governments appears to them, however, for obvious reasons, highly advisable and proper. They therefore desire to be informed without delay on what date the British Government would be disposed to effect the ratification.

Another question which also occupies the attention of the Spanish Government is the date on which the new Tangier statute is to be applied. The Spanish plenipotentiaries were recently given to understand in Paris that the French Government desire that the convention should be applied as from the 1st May next. If the considerable preliminary work involved in the preparation of the codes and regulations provided for in the convention be taken into account, this date would seem rather too early, as it is not thought possible to finish the work in less than three months, a period longer than that which now separates us from the month of May next. On the other hand, if the other two interested Governments should agree upon the 1st June next as the date in question, the Spanish Government will readily accept the arrangement.

I avail, &c.
ALFONSO MERRY DEL VAL.

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[**W 1319/17/28**] No. 43.

*Mr. MacDonald to Mr. Robertson (Tangier).*

(No. 100.)

*Foreign Office, February* 28, 1924.

Sir,

WITH reference to my telegram No. 18 of the 9th instant, I transmit herewith a copy of correspondence with the French and Spanish Ambassadors regarding the various measures to be taken to give effect to the Tangier Convention.

2. I shall be glad if you will instruct a member of the consular staff in Morocco to proceed to Rabat to assist in the elaboration of the regulations provided for in

article 33 of the convention as soon as the French authorities have intimated their readiness to proceed with their task. The selection of the officer most suitable for this purpose, having regard to the special knowledge required and the exigencies of the service generally, is left to your discretion.

3. I presume that you will now proceed, if you have not already done so, with the revision of the lists of protected persons.

I am, &c.
J. RAMSAY MACDONALD.

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[W 1318/17/28] No. 44.

*Mr. MacDonald to Count de Saint-Aulaire.*

Your Excellency, *Foreign Office, February* 28, 1924.

IN your note of the 13th instant, with which you were so good as to forward one of the signed copies of the Tangier Convention, your Excellency requested His Majesty's Government to take the necessary steps in conjunction with the French and Spanish Governments to invite the other Powers signatories of the Act of Algeciras to accede to the convention. In a second note, of the same day, you asked to be informed of the views of His Majesty's Government in regard to the date on which the convention should enter into force, the procedure to be adopted in drafting the codes and regulations provided for in the convention, and the revision of the lists of protected persons.

2. In the opinion of His Majesty's Government the step of inviting the accession of the Powers concerned should be deferred until the convention has been ratified by the signatory Powers. His Majesty's Government are not yet ready to proceed with ratification, but they hope shortly to be in a position to do so. They agree that the elaboration of the codes and regulations is a task which should be undertaken at the earliest possible date, and they concur in the proposal of the French Government that the codes should be drawn up in Paris, and the regulations at Rabat. They will gladly send a British jurist to Paris for the purpose, as soon as they are able, but it is possible that a few weeks may elapse before this can be done. A British representative will also be sent to Rabat to assist in drafting the regulations as soon as the French Government intimate their readiness to proceed with this work. His Majesty's Government are in communication with His Majesty's agent and consul-general at Tangier in regard to the revision of the lists of protected persons, and I shall have the honour of addressing you again on this point.

3. His Majesty's Government doubt whether it will prove feasible to complete these various tasks by the 1st May and they incline to the view that it will be preferable not to fix any definite date for the entry into force of the convention until some estimate can be formed of the length of time necessary for the preparatory work.

4. I have the honour to request that you will be so good as to bring these considerations to the notice of your Government and to enquire whether they concur.

I have, &c.
J. RAMSAY MACDONALD.

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[W 3169/17/28] No. 45.

*M. Merry del Val to Mr. MacDonald.—(Received April* 15.)

(Translation.)

Your Excellency, *Spanish Embassy, London, April* 14, 1924.

WITH reference to my note of the 18th February last and to your letter of the 28th of that month, I have the honour to inform you that the Government of His Majesty's the King my august Sovereign have heard that the delegate of His Britannic Majesty's Government to the Mixed Commission for drafting the legal codes in connection to the future Statute of Tangier will be unable to arrive in the French capital before the 25th of this month.

Taking into account that a delay of three months is indispensable to draw up the said legal texts, as I had the honour to remark in my above-mentioned communication,



the Government of His Majesty the King of Spain consider it impossible to maintain the date of the 1st June next for the application of the statute, although they deplore the consequent postponement which is due to a cause quite independent from their own wishes.

In submitting this opinion your Excellency, I avail myself, &c.

MERRY DEL VAL.

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[W 3281/17/28] No. 46.

*M. de Montille to Mr. MacDonald.—(Received April* 19.)

*Ambassade de France, Londres,*
M. le Secrétaire d'État, *le 17 avril* 1924.

ME référant à la lettre du Foreign Office, du 2 de ce mois, qui s'est croisée avec ma communication du même jour, j'ai l'honneur de porter à la connaissance de votre Excellence que les travaux de la commission chargée d'élaborer les codes applicables à la zone de Tanger commenceront le 25 de ce mois, à 11 heures du matin, à l'Office du Maroc (Paris, 21, Rue des Pyramides).

Le Gouvernement français est d'autant plus désireux de voir cette réunion commencer ses travaux que l'Ambassadeur d'Espagne à Paris vient de déclarer au Quai d'Orsay qu'en raison des retards mis à la réunion de la commission chargée d'élaborer les codes, le Gouvernement espagnol se voyait obligé de retirer l'adhésion qu'il avait donnée à la date du 1er juin, comme date de la mise en vigueur du statut de Tanger. Le Président du Directoire estimait qu'un délai de trois mois était nécessaire pour l'élaboration des codes dont il s'agit.

Il a été répondu à M. Quinones de León qu'un tel délai était inutile. Les jurisconsultes français, anglais et espagnol doivent, en effet, s'inspirer des codes en vigueur dans les zones française et espagnole, dont les dispositions sont les mêmes sur un très grand nombre de points, et il semble qu'avec de la bonne volonté les jurisconsultes peuvent terminer leur tâche en deux ou trois semaines.

Le Gouvernement espagnol semble actuellement vouloir essayer de retarder encore une fois la solution de la question de Tanger. Il saisit le prétexte que lui fournissent les retards mis à l'arrivée en France de Mr. Fitzgerald. D'autre part, le Général Primo de Rivera a affirmé, le 1er de ce mois, à l'Ambassadeur de France à Madrid, que le Gouvernement britannique l'avait prié de surseoir à toute ratification jusqu'au moment où ledit traité aurait été déposé devant le Parlement à Westminster.

Après le réel effort fait par les Gouvernements français et anglais pour régler la question de Tanger dans l'intérêt de toutes les parties en présence, M. Poincaré estime qu'il y a lieu de mettre sans retard le nouveau régime en vigueur, et de s'en tenir à la date prévue à cet égard. Le Gouvernement français serait donc très heureux de voir le Gouvernement britannique prévenir, par son attitude, les complications et les délais qui sont à craindre de la part du Gouvernement espagnol. Le départ de Mr. Fitzgerald pour Paris, le dépôt devant le Parlement britannique de la convention, et enfin une démarche de l'Ambassadeur d'Angleterre à Madrid, permettant de faire connaître au Gouvernement espagnol que le Cabinet de Londres, devant ratifier très prochainement la Convention de Tanger, considère qu'elle pourra être appliquée à compter du 1er juin, produiraient certainement un très utile effet.

Le Gouvernement français a invité le Comte de Saint-Aulaire à lui faire connaître aussi rapidement que possible la réponse du Gouvernement britannique.

Veuillez, &c.
J. DE MONTILLE.

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[W 3281/17/28] No. 47.

*Mr. MacDonald to the Marquess of Crewe (Paris).*

(No. 1372.)

My Lord, *Foreign Office, April* 29, 1924.

I TRANSMIT herewith a copy of a note from the French Chargé d'Affaires in London in which he urges that His Majesty's Government should bring pressure to bear on the Spanish Government to agree to the 1st June as to the date of the entry into force of the Tangier Convention.*

* No. 46.

2. The question has already formed the subject of correspondence with the French Government (18th February, Section 1, and 28th February, Section 2), and in February last I informed the French Ambassador that His Majesty's Government considered it preferable for the moment not to fix a definite date for the entry into force of the convention. Since then the position has not materially changed. The Fangier Convention will not have been laid before Parliament for three weeks until the 3rd May, and in the meantime it is impossible to fix a definite date for the King's ratification. Apart from this consideration, however, there are serious objections to the date proposed by the French Government. The three Governments cannot well invite the accession to the convention of the other States signatories of the Algeciras Act until they themselves have ratified it, and in the circumstances it seems unlikely that a concerted *démarche* can be made in the several capitals concerned until the middle or even the end of May. Some time must be allowed to the Powers in which to reply, for in view of their rights in Tangier, and of the necessity of securing their co-operation, it would be injudicious to face them with a *fait accompli* within a few days of soliciting their accession.

3. This is not the sole objection. Enough time must be allowed, not only for the elaboration of the codes and dahirs, but also for the organisation of the new administration, and especially of the new tribunal. Extra-territorial jurisdiction and the powers of the various commissions, &c., at Tangier will cease on the day when the convention enters into force, and something must be ready to take their place; and it is impossible to begin making the necessary arrangements until ratification has been effected.

4. His Majesty's Government are fully alive to the inconvenience of delay in bringing the convention into force, but they feel sure that more will be lost than gained by fixing now a date which will inevitably have to be postponed later. If all goes well they think that the 1st July is the earliest possible date when the convention could come into force, and they would suggest that the three Governments might agree to that date provisionally. When, after ratifications have been deposited, the three Governments approach the other Governments concerned, they could ask for an early and favourable reply on the ground that it is hoped to initiate the new régime on the 1st July.

5. I request that your Lordship will take an early opportunity of discussing the matter with the French Government on the above lines and endeavour to secure their concurrence in principle. In the meantime, I propose to inform the Spanish Government that I consider three months unnecessarily long for the revision of the codes, and that His Majesty's Government hope to ratify and be in a position to approach the other Powers in the first week of next month.

I am, &c.
J. RAMSAY MACDONALD.

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[W 3231/17/28] No. 48.

*Mr. MacDonald to M. Merry del Val.*

Your Excellency, *Foreign Office, April* 29, 1924.

IN your note of the 14th instant your Excellency stated that, as the Commission for the Revision of the Legal Codes for Tangier was not to meet till the 25th April, and as it would take three months to complete its task, the Spanish Government regretted that it would be impossible to maintain the 1st June as the date of the entry into force of the Tangier Convention.

2. His Majesty's Government are advised that the work of the commission is unlikely to present any serious difficulty, and they therefore consider that, with goodwill on the part of the three representatives, it could well be completed within a month. His Majesty's Government hope very shortly to deposit the King's ratification of the convention and to be in a position to invite the accession of the other Powers. As soon as this has been done, they trust that the three Governments will co-operate in accellerating the necessary preparations to bring the convention into force as soon as possible after the 1st June.

I have, &c.
J. RAMSAY MACDONALD.

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[W 3788/17/28] No. 49.

*Mr. Robertson to Mr. MacDonald.—(Received May* 9.)

(No. 104.)
Sir, *Tangier, May* 3, 1924.

WITH reference to my despatch No. 73 of the 19th March, I have the honour to transmit herewith copies of a despatch from His Majesty's vice-consul at Fez in which he reports that the French authorities have selected Hadj Mahomet bou Ashreen for the post of Mendoub at Tangier under the new régime.

2. You will observe that Lieutenant-Colonel Mackereth reports that Hadj Mahomet bears an excellent reputation and, in particular, is held to be incorruptible. The fact that the French have chosen for such a difficult and important post an individual possessing so rare a qualification is indeed satisfactory; for the rank corruption among officials of the Makhzen in Tangier has been one of the worst features of the present régime. Such an appointment is, indeed, a good augury of the intention of the French authorities to do their best for the future of Tangier.

I have, &c.
ARNOLD ROBERTSON.

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Enclosure in No. 49.

*Lieutenant-Colonel Mackereth to Mr. Robertson.*

(No. 16.)
Sir, *Fez, May* 1, 1924.

I HAVE the honour to report that Si Hadj Mahomet bou Ashreen has been appointed Mendoub at Tangier.

Hadj Mahomet bou Ashreen was born at Medina, Hedjaz, about 1871 and is therefore about 54 years old. He was born whilst his father, Si Taib bou Ashreen, o an old Moorish family of Fez, was on the Hadj. Si Taib was Grand Wazir to Mulai Hassan and he retired from his wazirship in order to pass the remainder of his life at Mecca. Some doubt appears to exist whether Hadj Mahomet was the son of a legitimate Moorish wife who accompanied his father or of an Arabian concubine.

The newly appointed Mendoub began his studies in Medina and completed them at the Kairoween in Fez. He is regarded as one of the leading jurisconsults in Morocco and a man of great integrity. He has never been known to take a bribe. He is an Arab poet of fame in his own land as well as abroad; he is one of the best educated of Moors, and his loss is as much deplored in the Kairoween as in the bazaars. In the reign of Mulai Abdul Aziz he was appointed to his first post as an 'alaaf (regimental paymaster) in the Sultan's army. He was turned out by Mulai Hafid and went to Medina, where he stayed five years, returning to Morocco in 1912 to be made Murakib of Habous (Director of Religious Foundations). He was transferred to Fez in 1921 as acting Murakib of Habous; after seven months he was appointed khalifa to the Basha Bagdadi for Fez-Jedid, a post that he has held until his present nomination to Tangier. He has been made an officer of the Legion of Honour.

In my opinion the appointment of Hadj Mahomet as Mendoub is an excellent one; he is a very able man and, above all, not corrupt. He and his aged chief are considered exceptional in the uprightness of their characters. As a judge he is severe without being cruel and has a ready wit. The poor people, usually slow to show emotion, are dismayed at his impending departure and daily make demonstrations before his house, and they dread the arrival of his successor without even knowing who he may be.

I have, &c.
G. MACKERETH.

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[W 4111/17/28] No. 50.

*Mr. MacDonald to the Marquess of Crewe (Paris).*

(No. 1711.)

My Lord, *Foreign Office, May* 23, 1924.

SHORTLY after the conclusion of the Tangier Convention a pamphlet was issued by Sir Basil Scott, one of the leading members of the British community at Tangier, in which the following passage occurs :—

"The first, and I think the most, important question which arises is whether the administration of justice to the nationals of foreign Powers embraces all actions at law, and complaints in which such nationals are concerned as parties, or is limited to actions in which the positions of both plaintiff and defendant are occupied by such nationals, and those in which such nationals are defendants. To put it more concisely, will the tribunal have jurisdiction to decide cases in which the plaintiff or complainent is a European and the defendant or accused is a Moroccan subject, whether Jew or Mahommedan?

"If the European is to go to the Mahommedan officer discharging the present functions of the Basha whenever he impleads or complains against a Jew or Mahommedan the Mixed Tribunal will not be administering justice to him as contemplated by article 48 of the convention. On the other hand, under article 25 of the convention the autonomy of the zone not being in limitation of the rights of sovereignty of the Sultan or his prestige and prerogatives as chief of the Mussulman community in the Empire, the administration of the native population, and of Mussulman interests, as well as the exercise of the judicial power, continue assured, according to the traditional forms by a Moroccan personnel nominated directly by the Sultan, and controlled by his agents, and under article 29 the Mendoub is to discharge the functions of Basha and exercise the judicial authority normally devolving on this office in the Empire.

"Thus, a Mahommedan impleaded by an European would rely on articles 25 and 29 to support his contention that the plaintiff must sue him in the Mendoub's Court, while the European could answer that, under article 48, justice must be administered to him by the Mixed Tribunal.

"An examination of the 'projet de dahir,' which describes the curious and novel judicial structure to which we shall soon be turning for the administration of justice does not throw much light on this important po nt, for while the native subjects of the Sultan are in matters of crime expressly subjected to the jurisdiction of the Mixed Tribunal, there is not a word to indicate that either in the matter of *délits* (smaller offences than crimes), or in the matter of civil actions, they will be amenable to that jurisdiction.

"On the contrary, while a system of 'magistrats adjoints' ('lay assessors') chosen from the nationals of the Powers signatories of the Act of Algeciras is established to ensure that in every civil action in the Mixed Tribunal each party shall have on the bench, taking part with the judge in the decision of the case, a sympathetic subject of his own country, *there is no provision whatever for lay assessors* chosen from the native Mahommedan and Jewish communities in actions between natives and Europeans.

"This is the more anomalous in that at present a Jew or a Moor must resort to the Consular Court of the person against whom he has a claim, and there would be no difficulty in finding Jews and Moors as competent as Europeans to act as lay assessors. The Jews of Tangier out-number any European community here—perhaps all European communities put together. They have a very large share of the wealth and trade of the city. Why should they not have Jew assessors of the Mixed Tribunal to balance the supposed partiality of those chosen from the lists of Europeans? Why, indeed, should they not stand on the same footing in regard to the Mixed Tribunal as Europeans except in such matters as may be provided for by the Rabbinical Court contemplated in article 27? The same argument applies *mutatis mutandis* to Mahommedans. If the Mixed Tribunal has jurisdiction in civil actions over Mahommedans and Jews as plaintiffs, why has it not the same jurisdiction over them as defendants, for the tribunal is devised in order to get rid of the anomaly that in one city different courts should be resorted to (to the prejudice of the plaintiff) according to the nationality of the defendant? If it has civil jurisdiction over the natives, who form four-fifths of the population, it is illogical and unjust that they should be deprived of the safeguards of assessors from their own communities to balance the assessors of the European suitors.



"As the tribunal will undoubtedly have criminal jurisdiction over the natives, why will it not have jurisdiction in lesser offences also, particularly in those committed in breach of municipal regulations, since in the interests of public health an European standard must be aimed at?

"If the tribunal has *no* jurisdiction over the natives in civil actions it is a very cumbrous and expensive substitute for the Consular Courts, and still preserves the extraterritoriality, in the matter of jurisdiction over Europeans, which was secured by the Capitulations it is intended to abolish.

"Whatever the intended extent of the jurisdiction may be, it should be expressly and clearly defined, and not left as a matter of uncertain inference from conflicting articles of the convention."

2. As soon as my attention was called to the above criticism I communicated with Sir John Fischer Williams, who was responsible, together with M. Sorbier de Pougnadoresse and M. Botella, for the drafting of the judicial dahir annexed to the Tangier Convention. Sir John communicated in his turn with these two gentlemen, and I enclose herewith, for your Lordship's information, copies of the correspondence which has passed between them.*

3. It is satisfactory to find that there is general agreement between the representatives of the three Powers, not only on the necessity of defining more clearly the jurisdiction of the Mixed Court, but also on the advisability of extending the jurisdiction of the court in certain cases in which Moorish subjects are concerned. It remains, however, to be decided in what form these desiderata should be carried into effect.

4. Under the terms of the Tangier Convention the control and administration of natives is left to the Sultan of Morocco. Clearly, therefore, it is open to His Majesty, should he choose to do so, to place his subjects either entirely or partially within the jurisdiction of the court. In these circumstances, an appropriate method of dealing with the situation would be for the French Government to address a note to His Majesty's Government and the Spanish Government calling attention to the lacuna in the Tangier Convention, and communicating, for the information of the two Powers, the draft of a dahir to be issued by the Sultan extending the jurisdiction of the Mixed Court in certain cases to natives of the Tangier zone. On receipt of such a note I should be prepared to express the concurrence of His Majesty's Government in the course proposed, and as the Spanish Government would, I presume, adopt the same attitude, these notes would place on record the agreement of the three Governments on the matter.

5. I may add that I do not regard the course proposed as inconsistent with the terms of the convention, and I do not think it is necessary to read article 48 as limiting the jurisdiction of the Mixed Court to matters which were formerly within the jurisdiction of the Consular Courts.

6. I request that you will put this suggestion before the French Government and ascertain their views. You will, perhaps, think fit to instruct Mr. Phipps in the first instance to discuss the matter with M. de Beaumarchais. I feel sure that both Sir John Fischer Williams and Mr. Fitzgerald, to whom I am sending copies of this despatch, will be ready to assist you in the elucidation of any points which may arise in the discussion of the matter with the French Government.

7. I must add that the letter from M. Botella to Sir John Fischer Williams was marked "Confidential," and that it would be better, therefore, not to communicate it textually to the French Government.

I have, &c.
J. RAMSAY MACDONALD.

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[W 4413/17/28] No. 50A.

*Mr. Robertson to Mr. MacDonald.*—(*Received May* 29.)

(No. 126.)

Sir, *Tangier, May* 18, 1924.

IN view of the approaching departure of the diplomatic body from Tangier I would venture to call your attention to the question of protection certificates.

2. At present these certificates are issued and signed by myself.

3. In the Béclard Agreement of 1863 it is laid down that they shall be issued by the French Legation at Tangier as regards French protégés and in the Madrid Convention of 1880 the representative at Tangier is specifically mentioned in

* Not printed.

article 8, while the representatives of the Powers are referred to in other articles of that instrument, *i.e.*, articles 11 and 12.

4. Article 16 refers to the Minister for Foreign Affairs at Tangier in connection with the twelve special protections allowed for each Power under that convention.

5. I would therefore suggest that the French and Spanish Governments should be notified that on the abolition of this diplomatic agency all matters connected with protection will be dealt with by the consular officers at Rabat and Tetuan for the French and Spanish zones respectively, and that should it be found desirable to replace any person enjoying protection under article 16 of the Madrid Convention notification thereof shall be made to the Minister for Foreign Affairs at Rabat or Tetuan as the case may be.

I have, &c.
ARNOLD ROBERTSON.

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[**W 4934/433/28**] **No. 51.**

*Mr. Codrington to Mr. MacDonald.*—(*Received June* 16.)

(No. 161.)

Sir, *Tangier, June* 13, 1924.

IN continuation of my telegram of yesterday's date, I have the honour to report that M. Rageot, of the Cabinet diplomatique at Rabat, arrived in Tangier two days ago in order to revise the lists of French and British protégés, as provided in article 13 of the Tangier Convention, and also to put forward revised proposals with regard to the position of the sons of Sir Mehedi-el-Menebhi, G.C.M.G.

2. M. Rageot first went through the list of our semsars in the Tangier zone with Mr. Irwin. In about half an hour he had entirely satisfied himself with regard to this category of protégés, and Mr. Irwin was able to report that he had secured the inclusion of Sid Qassem Doukali under this head. The only name to which M. Rageot took exception was that of the late Mr. Arnall's semsar, who is not now ordinarily resident in Tangier, being, so far I am aware, somewhere in the Riff. The only reason the certificate granted to this man has not already been revoked is the fact that he is still nominally responsible for certain merchandise of considerable value in the Riff belonging to the late Mr. Arnall; the cancellation of his certificate would therefore destroy the last faint chance which Mrs. Arnall (who is in very reduced circumstances) possesses of obtaining any redress from him. M. Rageot asked as a favour that we should not insist on his name appearing in the Tangier list, and we agreed, since, if submitted at all, it should be included among those of our protégés in the Spanish zone.

3. M. Rageot then expressed a desire to discuss with me the question of the protection of Menebhi's sons, and produced for my inspection a copy of a letter written to an official at the Quai d'Orsay by Mr. Knatchbull-Hugessen, and based on your despatch of the 21st May to Paris. I informed him that, as this question had been taken up through the Embassy in Paris, and as I had no authority to discuss it with him, I could only take note of any proposals he might make and report them to you. This he begged me to do, adding that the French authorities quite understood our position in the matter and were sincerely desirous of seeing it settled to our mutual satisfaction as soon as possible. To each of the alternatives suggested in Mr. Knatchbull-Hugessen's letter there were certain objections; but, by adopting part of each, it had been possible to formulate a scheme which should suit both Governments.

4. M. Rageot then proceeded to explain this proposal. He pointed out that each of our consulates, by virtue of article 3 of the Madrid Convention, possessed the right to demand protection for five persons, comprising an interpreter, soldier, two servants and a secretary. None of our consulates at present extend protection to five individuals under this category, and, taking the consulates of the French zone all together, there were about ten vacancies available. He suggested therefore that seven of the eight persons at present figuring on our list of political protégés under article 16 of the Madrid Convention should, by a private arrangement, be transferred to the category of consular employees under article 3. There would then be eleven vacancies on the list of political protégés, Menebhi himself occupying the first place. These vacancies could be filled by eleven of Menebhi's sons. The eldest, Sid Abderrahman, who lives at Marrakesh, could be appointed interpreter at His Majesty's vice-consulate in that city, and the remaining two could be added to the list of employees of His Majesty's Agency, to which no limit was fixed in the Madrid Convention. Hadj Mouktar-es-Souani could figure on our list as guard of the consulate at Tangier.

5. I then asked M. Rageot whether the transformation of seven of our political protégés into "consular employees" would affect their status in any way. He replied



that he was prepared to give me the most emphatic assurances to the contrary. Indeed, he thought it would be much better that even the French local authorities should not be informed of the fact, and he proposed to treat the lists showing these designations as strictly confidential between this agency and the Cabinet diplomatique. This would avoid any possibility of zealous junior officials, civil or military, raising questions with regard to the individuals concerned. There was thus no necessity that they should even appear on the lists of our consulates concerned.

6. I then put it to him that by accepting his suggestions and filling the lists of persons "employed" at each consulate we might find ourselves precluded from granting protection to genuine consular employees subsequently engaged; for instance, the future consul-general at Rabat might require two soldiers instead of one, and so forth. On this point M. Rageot went further than I could have anticipated, and said that if we agreed with his proposals the protectorate authorities would take no account of the individuals transferred to consular (article 3) lists from the political (article 16) list, and would agree to protection being granted to genuine employees at any post up to the usual limit, as if the transfer had never taken place.

7. I then returned to the question of semsars, and pointed out that it was possible that British subjects whose semsars at present figured on the Tangier list might in the future require semsars in the French zone. Supposing our present list were accepted, would such firms be precluded from applying for semsars in the French zone? M. Rageot replied that he always regarded the Tangier zone as more or less distinct from the French zone in this connection; his acceptance of our list was a wiping out of the past, and would in no way preclude any firm from applying for semsars in the French zone, did the volume of their business come up to the usual standards.

8. I then enquired what would be the position of an ex-semsar from Tangier in the eyes of the authorities of the French zone. On this point M. Rageot declined to give me any information whatever, though he mentioned that the Dutch Government had also raised this point. As this question was somewhat outside the scope of our discussion I did not press the matter; I may, however, point out that several of the semsars on the Tangier list have large interests in the French zone, and their status in that zone is therefore a matter of some importance.

9. M. Rageot throughout our conversation showed a most accommodating disposition. For instance, I may mention that he agreed without demur to the inclusion among the list of agency employees of several old servants of the late Sir John Drummond Hay and the late Sir William Kirby Green.

10. At the conclusion of our interview copies of the lists drawn up by M. Rageot and Mr. Irwin were initialled by each of them for submission to higher authority. Copies of these lists are transmitted herewith.

11. With the single exception of the question of the treatment of ex-protégés in the French zone, which appears to require further elucidation, M. Rageot's proposals appear to me to be eminently satisfactory, particularly as he expressed his readiness to confirm in writing, by an exchange of notes or personal letters, the assurances he gave me verbally on the points I raised. He begged me to submit them to you as quickly as possible, as he wished to get our lists settled before he attempted to deal with the lists of Spanish protégés. It was important that he should possess lists drawn up in the manner he proposed, which he believed would be satisfactory to the British as well as to the Moorish Government; he could then produce them before the Spanish representatives, if necessary; this might, he considered, be of material assistance to him in dealing with their protection lists. I should therefore be grateful if I could be informed by telegraph whether his proposals, particularly those concerning the Menebhi family, are approved, and, if so, whether you desire me to exchange notes on the subject, or prefer that this should take place in Paris.

I have, &c.
WILLIAM CODRINGTON.

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Enclosure in No. 51.

LISTE des ex-protégés britanniques de Tanger justiciables personnellement et leur vie durant du Tribunal mixte de cette ville.

Arrêtée d'un commun accord entre le Gouvernement chérifien et l'Agence diplomatique de la Grande-Bretagne conformément à l'article 13 de la Convention relative à l'Organisation du Statut de la Zone de Tanger.

*Tanger, le* 12 *juin* 1924.

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(1.)

*Protégés under Article 16 of the Madrid Convention.*

Hadj-el-Mehedi-ben-el-Arbi-el-Menebhi.
Cid Jaafer-bel-Hadj-el-Mehedi-el-Menebhi.
Cid Abdelmajid-bel-Hadj-el-Mehedi-el-Menebhi.
Cid Hamza-bel-Hadj-el-Mehedi-el-Menebhi.
Cid Mohammed-ou-Larbi-bel-Hadj-el-Mehedi-el-Menebhi.
Cid Mokhtar-bel-Hadj-bel-Hadj-el-Mehedi-el-Menebhi.
Cid Ahmed-bel-Hadj-el-Mehedi-el-Menebhi.
Cid Mehemmed-bel-Hadj-el-Mehedi-el-Menebhi.
Cid Abdellatif-bel-Hadj-el-Mehedi-el-Menebhi.
Cid Abdelkader-bel-Hadj-el-Mehedi-el-Menebhi.
Cid Abbas-bel-Hadj-el-Mehedi-el-Menebhi.
Cid Abdelkrim-bel-Hadj-el-Mehedi-el-Menebhi.

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(2.)

*Liste des ex-Protégés de l'Agence diplomatique et du Consulat général britannique à Tanger.*

Sid Mohammed-ben-Yahia.
Ahmed-bel-Hadj Mustafa.
Hadj Mohammed-bel-Hadj Aissa.
Abderrahman-bel-Hadj Mohammed-bel-Hadj Mustafa.
Sid Mohammed-ben-Haia.
Allal-ben-Ahmed Tetouani.
Hadj Abdesselam-ould-el-Hadj Mohammed Bousabon.
Hadj Mokhtar-bel-Hadj Abdallah Amarti.
Maalem Abdesselam Ararou.
Abdesselam-ben-Abdallah Sequidli.
Cid Ahmed-el-Fetoh.
Ahmed-ben-Boushta.
Hadj Mohammed-ould Cid Dris.
El Mokhtar-bel-Hadj Mustafa.
Embark.
Mohammed-el-Idri.
Mokhtar-ould-el-Hadj-el-Arbi Amarti.
Edris-ben-Kaddour-ben-Tayeb.
Mohammed Shaib.
Mohammed-el-Mehedi.
Mohammed-el-Aiashi.
Mohammed Bouroura.
Ahmed-el-Merabit.
Mohammed-el-Haouzi.
Cid Mohammed-bel-Hadj-el-Mehedi-el-Menebhi.
Cid Boubeker-bel-Hadj-el-Mehedi-el-Menebhi.

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(3.)

*Consular Employees.*

| | | |
|---|---|---|
| Tangier | ... ... | Cid Mohammed-bel-Hadj-el-Mehedi-el-Menebhi. |
| Marrakesh | ... ... | Cid Abderrahman-bel-Hadj-el-Mehedi-el-Menebhi. |
| Tangier | ... ... | Cid Boubeker-bel-Hadj-el-Mehedi-el-Menebhi. |
| Fez... | ... ... | El Mekki-bel-Hadj Madani Benzakor. |
| Rabat | ... ... | Omar-ben-Hadj-el-Hassen-el-Hadjoui. |
| Casablanca | ... ... | El Arbi-bel-Hadj-el-Hassen-el-Hadjoui. |
| Saffi | ... ... | Moulai Ahmed-el-Meslohi. |
| Mogador | ... ... | Sid Mohammed-el-Meslohi. |
| Marrakesh | ... ... | Moulai Said-el-Meslohi. |
| Fez | ... ... | Ahmed-ed-Doukali. |



[W 4934/433/28] No. 52.

*Liste des ex-Censaux britanniques à Tanger.*—(*Communicated by His Majesty's Agency, Tangier, June 16.*)

| Name. | | | Semsar of. |
|---|---|---|---|
| Murdoch Bengio | ... | ... | Mrs. B. Laredo, Tangier. |
| Samuel Azagury | ... | ... | C. E. Gerahty, Tangier. |
| Thami Daoudi | ... | ... | " " |
| Leon H. Nahon | ... | ... | José D. Cavilla, Tangier. |
| Elias S. Azagury | ... | ... | Stewart Bros. and Co., Glasgow. |
| Jacob Jonas Cohen | ... | ... | " " " |
| Abraham M. Pariente | | ... | Isaac A. Abensur, Tangier. |
| Joseph M. Bensadon | ... | ... | " " |
| Isaac M. Nahon | ... | ... | Moxon's Agencies, Tangier. |
| Joseph Semtob Cohen | | ... | Lough Bros. (Ltd.), London. |
| Amram J. Levy | ... | ... | Seeger Bros. and Co., Manchester. |
| Jacob M. Benchimol | ... | ... | " " " |
| David Anidjar | ... | ... | J. W. Biggs, London. |
| Isaac Joseph Cohen | ... | ... | S. Arditti Bros., Manchester. |
| Isaac Abraham Cohen | | ... | Alexander Arias, Tangier. |
| Abdesselam-ben-Ahmed-ben-Mohammed Soussi | | | British Commercial Agency for Morocco (Ltd.), London. |
| Joseph J. Cohen | ... | ... | Maurice Cohen and Co., London. |
| Mimon J. Cohen | ... | ... | " " " |
| Amram P. Anidjar | ... | ... | Juan Dassoy, Tangier. |
| Jacob Laredo | ... | ... | Harrisons and Crosfield (Ltd.), London. |
| Isaac Laredo | ... | ... | " " " |
| Simon Bensimhon | ... | ... | Isaac de B. Nahon, Tangier. |
| Mesod Levy Bensheton | | ... | E. E. Pappadimitriou and Co. (Ltd), Manchester. |
| Moulai Ali Akhamlish | | ... | Adolfo Benvenuto, Tangier. |
| Ephraim H. Medina | ... | ... | Mrs. Zohra Gabay, Tangier. |
| Moses M. Bengio | ... | ... | Shearer and Harvey (Ltd.), Glasgow. |
| Solomon Isaac Cohen | ... | ... | Kessler and Co. (Ltd.), Manchester. |
| Haim Cohen | ... | ... | Spruce Manufacturing Company (Ltd.), Manchester. |
| Abram M. Levy | ... | ... | Robert Baelz and Co., London. |
| Joseph S. Pariente | ... | ... | E. T. Daniels and Wise, London. |
| Leon Benlolo | ... | ... | Samuel Sadler, Son, and Co. (Ltd.), London. |
| José J. Bendahan | ... | ... | British Extracting Company, Hull. |
| Mohammed-ben-Mohammed Merabit | | Temsamani | Macleod, Brash, and Co., Tangier. |
| Kassim Dukali | ... | ... | Waring and Gillow, London. |

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[W 4909/17/28] No. 53.

*Mr. MacDonald to Mr. Phipps (Paris).*

(No. 2018.)

Sir, *Foreign Office, June 20, 1924.*

WITH reference to my despatch No. 1956 of the 14th instant, I transmit herewith a copy of a memorandum communicated by the Netherlands Minister* in which attention is drawn to the desirability of defining clearly the jurisdiction to which certain categories of persons will be subject in the three zones of Morocco when the Tangier Convention comes into force. The Netherlands Government have raised this question at Paris and I shall be glad to learn the views of the French Government thereon.

2. It seems to His Majesty's Government that it will be to the interest of all concerned, including the French, that a definite ruling should be given in the sense suggested by the Netherlands Government. Account should of course be taken of the fact that the Powers who maintain capitulatory rights in either the French or the

* No. 65.

Spanish zones are on a different footing from those who have renounced them in one or both zones. By renouncing these rights the latter Powers have lost the right to grant protection, but it is understood that they have made with the French and Spanish Governments an arrangement similar to that in article 13 of the Tangier Convention and that their ex-protégés are justiciable for their lifetime before the European courts. What is desired is to lay down specifically that an ex-protégé of a Power which has surrendered its capitulatory rights in the French or Spanish zones shall, whilst at Tangier, be on the same footing as an ex-protégé of that Power resident at Tangier, and *vice versâ*; and that a protégé in the French or Spanish zone of a Power which has not surrendered its capitulatory rights shall, whilst at Tangier, be on the same footing as an ex-protégé of that Power resident at Tangier, and *vice versâ*. Thus a Dutch ex-protégé of the French zone would, when at Tangier, be justiciable before the Mixed Tribunal and a Dutch ex-protégé of Tangier would be justiciable in the French zone before the French courts; and, since the Dutch have not given up their capitulatory rights in the Spanish zone, a Dutch protégé of that zone would be justiciable before the Mixed Tribunal at Tangier, whilst a Dutch ex-protégé of Tangier would in the Spanish zone be justiciable before the Dutch Consular Court.

3. I may add, for your information, that the following Powers have extra-territorial rights in the various zones of Morocco:—

French zone: Great Britain, United States.
Tangier zone: Belgium, France, Italy, Netherlands, Portugal, Spain, United States, Great Britain.
Spanish zone: Great Britain, Netherlands, United States.

I am, &c.
J. RAMSAY MACDONALD.

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### (c.) Exclusion of Italy from Tangier Conference.

[W 19/17/28] No. 54.

*Marquis della Torretta to the Marquess Curzon of Kedleston.*—(*Received January* 1, 1924.)

(Translation.)

My Lord, *Italian Embassy, London, December* 25, 1923.

IN reply to the note from this Embassy of the 25th October last regarding the participation of Italy in the conference respecting Tangier, you have forwarded to me your note of the 8th December.

In this note your Lordship states that the British Government have found it impossible to comply with the above-mentioned request, since it was received when the conference had already assembled. You said, moreover, that the Paris negotiations were the immediate continuation of the conversations which had taken place in London a short time before between the British, French and Spanish experts, in which Italian experts had not participated, and, finally, that these negotiations, which were begun in 1912, had been interrupted in 1914 solely on account of the war.

The Italian Government, to whom I hastened to communicate this reply, have now given me instructions to bring the following to your Lordship's knowledge:—

1. The first of the reasons cited by your Lordship has occasioned great surprise to the Italian Government. Apart from the fact that the above-mentioned note of the Italian Government was handed to the Foreign Office on the 25th October last, while the conference did not begin its labours until the 27th of that month, the British Government are well aware that since 1920, when the Italian Government had information for the first time of the intentions of the British Government to resume the negotiations with France and Spain regarding the constitution of Tangier which were interrupted in 1914, *démarches* were made at different times to the Government in London to the end that they might agree to the Italian desire indicated above. On these occasions the chief reasons adduced were the important interests of Italy as a great Mediterranean Power and the intimate collaboration with the Allies which Italy had a right to expect after the war which had been fought together.

Furthermore, in June last, on the occasion of the announcement of the meetings in London for exchange of views between British, French and Spanish experts, I had



to approach your Lordship on this question. You will recollect how I pointed out that Italy always maintained she had the right to participate in the discussions regarding Tangier and that the Italian Government expected that satisfaction would be given to this right. Your Lordship will remember having given me to understand on that occasion the existence of a reciprocal Anglo-Franco-Spanish engagement not to admit any other Power in the discussions regarding Tangier, and that it was therefore not possible for you to depart from that engagement.

In view of this engagement and in consideration of the fact that, as is shown by the British-Italian conversations of July 1922 (proceedings of the meeting of the 3rd July), the British Government based their objections to Italian participation particularly on the Franco-Italian agreements regarding Morocco, the Italian Government, when the meetings of the British, French and Spanish experts were resumed in London at the end of September last, thought fit to approach the French Government forthwith to smooth away in a friendly manner their objections and to clarify the interpretation and scope of the Franco-Italian agreements before renewing representations in London for Italian participation in the meeting regarding Tangier. But as the French Government returned a laconic refusal to our overtures, it only remained to the Italian Government to approach indistinctively the three Governments participating in the meetings, which was done by the note remitted to them on the 25th October last.

2. As regards the statement that the Paris negotiations are a continuation of the conversations in London, in which Italy did not take part, the Italian Government observe to your Lordship that these conversations, according to the similar statements of the interested Governments, did not have any other character than that of conversations between experts for consultative purposes, while the aim of the Paris Conference was, as is well known, definitely to conclude an agreement between the participating Governments on the status of Tangier.

3. The further remark in your Lordship's note that the conversations regarding Tangier between the interested Governments commenced in 1912 and were interrupted in 1914 solely on account of the war renews, without, however, making explicit mention of it, an argument already brought forward on various occasions: this being that, as the Italian Government did not put forward a similar request in 1912, they had indirectly recognised that they had no right to participate in the said negotiations. The Italian Government draw your Lordship's special attention to this point, and consider it right to emphasise that the fact that the participation of Italy was lacking in 1912 in the preparatory work for the settlement of such an important Mediterranean question has not in the least impaired their right to participate in this settlement. There has been no renunciation, not even an implied one, on the part of the Italian Government in this matter. Furthermore, renunciations are not presumed. In any case, such a presumption of renunciation cannot be deduced from the circumstance that Italy had confidence in the action of Great Britain and France directed to bring about the eventuality in which the administrative régime at Tangier would have to be established with the co-operation of all the States interested or having the right to participate.

This observation has the greater force in so far as it refers to Tangier. This city, in fact, has enjoyed for some time quite a special régime, *de jure* and *de facto*, on account of the presence of the Diplomatic Body, and this régime, as it was not modified by all the conventions regarding Morocco, including that which establishes the French protectorate, could not have been modified by the conferences at London and Paris in 1912 and 1914, at which only the groundwork was prepared of the future plenary conference at which Italy reserved the right to participate.

4. In accordance with the instructions given to me, I must furthermore point out to your Lordship that, since 1912, the war victoriously fought together by our two countries, and the sacrifices sustained, give Italy the right to expect a more intimate and more sincere collaboration of the Allies in Mediterranean matters and a less restricted view of common interests.

In consideration of the foregoing, the Italian Government decidedly cannot recognise the sound basis of the reasons which decided the British Government to refuse the Italian request for participation in the discussions and negotiations regarding the constitution of Tangier, and must therefore renew the wide reservations already formulated in this connection and contained in the note from this Embassy of the 25th October last.

I have, &c.
TORRETTA.

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[W 493/17/28] No. 55.

*Mr. MacDonald to Sir C. Barclay (Stockholm), No. 30, and to Sir C Marling (The Hague), No. 61, Sir G. Grahame (Brussels), No. 152, and Mr. Chilton (Washington), No. 192, mutatis mutandis.*

Sir, *Foreign Office, January* 31, 1924.

A CERTAIN prominence has been given in the press to the dissatisfaction of the Italian Government at the exclusion of Italy from the recent Tangier Conference in Paris, and in quarters not properly acquainted with the facts some sympathy has been expressed with the Italian point of view. The exclusion of Italy has even been cited as evidence that the three contracting parties were prompted solely by the desire to promote their own interests without regard for the rights of others.

2. This entirely erroneous view was recently propounded to His Majesty's Minister at Lisbon by the Political Director of the Portuguese Ministry for Foreign Affairs, and it may possibly be shared by the Governments of other countries signatories of the Act of Algeciras, whose accession to the convention, as you are aware, will be sought at the proper time. It is desirable, therefore, that there should be no misunderstanding and it may be useful to you, in case of need, to be conversant with the reasons which deterred the three Governments from complying with the request of the Italian Government for admission to the conference. They may be briefly summarised as follows.

3. Tangier is not, as the Italian Government allege, a Mediterranean question. It is true that the position of the town at the western entrance of the Straits of Gibraltar lends it a particular importance, but the settlement of the status of Tangier is none the less a purely Moroccan question, and marks the last stage in the solution of the problem which has engaged the attention of Great Britain, France and Spain for the last twenty years.

4. The Tangier zone was recognised as enjoying a special status under the Anglo-French and Franco-Spanish Agreements of 1904, and subsequent treaties by which France definitely agreed to the establishment of an international régime. This undertaking was given to Great Britain and Spain and to no other Power, and it is clear that the manner of its fulfilment is the concern only of the three Governments in question. This fact has hitherto been universally recognised and no objection was raised by the Italian or any other Government when in 1912 the three Powers initiated the tripartite negotiations which were interrupted in 1914 by the outbreak of war on the eve of their conclusion. The recent conference was simply the continuation of those negotiations.

5. Under the Franco-Italian Agreement of the 28th October, 1912, the Italian and French Governments renounced their interest in Morocco and Libya respectively. The Italian Government, however, claimed that Tangier could not be regarded as part of Morocco. There is no ground whatever for this contention. Although enjoying the special status conferred on it by the various Moroccan treaties referred to above, Tangier has remained an integral part of the Shereefian Empire and the Sultan's sovereignty over it is recognised by all the Powers. The presence at Tangier of the various diplomatic agents accredited to the Sultan, including that of Italy, is alone evidence of this fact.

6. Finally, had Italy been admitted to the negotiations in Paris, it would have been impossible to exclude other Powers signatories of the Act of Algeciras and the tripartite negotiations would have become a general conference with little chance of a successful issue.

I am, &c.
J. RAMSAY MACDONALD.



## (d.) Attitude of Powers Signatories of Act of Algeciras to Tangier Convention.

[W 493/17/28] No. 56.

*Sir L. Carnegie to the Marquess Curzon of Kedleston.—(Received January* 24.)

(No. 13.)
My Lord, *Lisbon, January* 12, 1924.

WITH reference to my despatch No. 339 of the 22nd ultimo, I have the honour to report that I happened to meet, by chance, at the Ministry for Foreign Affairs this afternoon, the Political Director, who, drawing me aside, told me that the Italian Minister was pressing the Portuguese Government to give some indication as to what attitude they would take in regard to the convention recently signed by representatives of the British, French and Spanish Governments in regard to Tangier. He gave me to understand that he thought that, as Italy had important interests in Tangier, and that as that country was a great Mediterranean Power, it was justified in resenting its exclusion from the conference and in its hesitation to accept the convention. I said that, for obvious reasons, Great Britain, France and Spain were the really nterested parties, and that if Italy's pretensions to take part in the conference had been admitted, those of other countries which might claim interests in Tangier could hardly have been refused. The consequence would have been that an international conference would have been necessary, from which no useful decisions would probably have resulted. Italy's attitude was, in my opinion, solely due to Signor Mussolini's ambition to play the part of a Napoleon, and to have his finger in every pie.

Senhor Henrique de Vasconcellos then remarked that the convention was most unpopular in Spain. I replied that I agreed, but that if the Spanish Government were sensible, they would definitely sign it, for, seeing that France was in a dominating position at Tangier and had on this occasion shown herself to be in a more accommodating mood than before, it was improbable that Spain would ever obtain a more favourable solution of the question than the present one.

I should add that I gave Senhor de Vasconcellos no grounds for thinking that I was expressing anything more than my personal views.

I have, &c.
LANCELOT D. CARNEGIE.

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[W 1318/17/28] No. 57.

*Count de Saint-Aulaire to Mr. MacDonald.—(Received February* 18.)

*Ambassade de France, Londres,*
M. le Secrétaire d'État, *le* 13 *février* 1924.

J'AI l'honneur de faire parvenir ci-joint à votre Excellence le texte de la convention relative à l'organisation du statut de la zone de Tanger.

D'autre part, l'article 56, paragraphe 1, dispose que la " présente convention sera communiquée aux Puissances signataires de l'Acte d'Algésiras près desquelles les trois Gouvernements contractants s'engagent à se prêter mutuellement appui pour obtenir leur adhésion." J'ai donc été chargé de demander également à votre Excellence de vouloir bien inviter le représentant du Gouvernement de Sa Majesté à se joindre à ceux de la France et de l'Espagne auprès des Gouvernements d'Italie, de Suède, de Portugal, de Belgique, de Hollande et des États-Unis pour obtenir leur adhésion à la convention du 18 décembre 1923.

Veuillez, &c.
SAINT-AULAIRE.

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[W 3339/17/28] No. 58.

*Sir G. Grahame to Mr. MacDonald.*—(*Received April* 22.)

(No. 335.)

Sir, *Brussels, April* 19, 1924.

I HAD the honour to report to Lord Curzon, in my despatch No. 1033 of the 27th December last, that I had that day made a communication to the Belgian Minister for Foreign Affairs respecting the intention of His Majesty's Government, when the proper time had arrived, to concert with the other signatories of the recently concluded convention for the regulation of the future status of the Tangier zone of Morocco with a view to inviting the Belgian Government to approve this convention and accede to it.

I am now in receipt of the reply of the Belgian Government to this communication in the form of a note, a copy of which I beg leave to transmit herewith, in which the Belgian Government raise objections to the arrangements arrived at by the British, French and Spanish Governments in respect of the four following points :—

1. The Belgian military authorities consider that the Belgian commandant of the gendarmerie should have the assistance of one or more Belgian lieutenants or non-commissioned officers to enable him to carry out the task which it is proposed to entrust to him.
2. With a view to ensure equality of economic opportunity in the Tangier zone, the Belgian Government desire that all future dahirs respecting adjudications, markets and public works should be submitted for the approval of those Governments which adhere to the convention.
3. The Belgian Government desire that the British, French and Spanish Governments should agree to the appointment of a Belgian judge as a full member of the Mixed Tribunal and to the appointment of Belgians to the secretarial registry of that tribunal.
4. With regard to article 13, the Belgian Government are unable to admit that there can be any question as to the validity of grants of naturalisation made by Belgium in the exercise of her sovereign rights.

I have, &c.

GEORGE GRAHAME.

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Enclosure in No. 58.

*M. Jaspar to Mr. Wingfield.*

M. le Chargé d'Affaires, *Bruxelles, le* 16 *avril* 1924.

PAR sa note du 27 décembre dernier, son Excellence Sir George Grahame a bien voulu faire savoir à mon honorable prédécesseur que le Gouvernement britannique, d'accord avec les autres Gouvernements signataires de la Convention relative à l'Organisation du Statut de la Zone de Tanger, se proposait de solliciter, le moment venu, l'adhésion du Gouvernement belge à cet acte international.

Le Gouvernement du Roi a examiné avec le plus grand soin la convention sur le statut de Tanger, ainsi que le projet de dahir organisant l'administration de la zone de Tanger, le projet de dahir sur l'organisation d'une juridiction internationale à Tanger et le règlement de la gendarmerie de la zone de Tanger.

I.

Il a appris avec satisfaction que les trois Puissances signataires avaient décidé de confier à un officier belge du grade de capitaine le commandement du corps de gendarmerie, qui sera chargé de maintenir l'ordre et la sécurité dans la zone. Il remercie vivement le Gouvernement britannique de la part qu'il a prise à une décision qui constitue un hommage à la valeur professionnelle, à l'esprit de justice et de dévouement du corps belge d'officiers.

Mais le Gouvernement du Roi ne se dissimule pas l'extrême difficulté de la tâche assignée à un chef qui, ignorant des affaires marocaines, sera assisté d'officiers et de sous-officiers français et espagnols accoutumés à travailler séparément, et devra commander à des caïds et soldats indigènes soumis jusqu'ici à des régimes distincts, les uns dans le tabor dit français, les autres dans le tabor dit espagnol. De l'avis des experts militaires, pour que le commandant puisse remplir sa mission et exercer une autorité effective, il est indispensable qu'aux cadres français et espagnols prévus par la



convention soient adjoints un ou plusieurs lieutenants ou sous-officiers belges. Si les cadres étaient ainsi complétés, le Gouvernement du Roi pourrait accepter la désignation d'un capitaine belge.

II.

La principale préoccupation du Gouvernement belge a toujours été de maintenir au Maroc l'égalité économique, même dans l'hypothèse où serait dénoncé le Traité belgo-marocain d'Amitié, de Commerce et de Navigation du 4 janvier 1862. Ce maintien est proclamé, en ce qui concerne la zone de Tanger, par l'article 7 de la convention.

C'est notamment en matière d'adjudications, marchés et travaux publics que l'égalité doit être assurée aux ressortissants de toutes les nationalités.

Sous le régime actuel, la Commission générale des Adjudications et des Marchés et le Comité spécial des Travaux publics, où tous les membres du Corps diplomatique exercent une influence égale, appliquent eux-mêmes le règlement sur les adjudications et le règlement sur les travaux publics, rédigés naguère par le Corps diplomatique d'accord avec le Maghzen et approuvés par les Puissances signataires de l'Acte d'Algésiras.

Or, l'article 50 de la convention supprime les "commissions et comités actuels de Tanger." Désormais les adjudications seront organisées et les marchés passés par l'Administration tangéroise (que dirigeront des ressortissants des trois Puissances contractantes) sous la surveillance générale du Comité de Contrôle (Corps consulaire). L'abrogation des règlements actuellement en vigueur semble résulter des articles 32 et 33 de la convention, en vertu desquels des commissions de techniciens britanniques, espagnols et français rédigeront, dans les trois mois à dater de la signature de la convention, divers textes réglementaires et fiscaux, parmi lesquels ". . . . un cahier des clauses et conditions générales imposées aux entrepreneurs de travaux publics."

Ainsi donc, tandis que le Corps diplomatique abandonnera à la future Administration l'action positive qu'il exerce en matière de marchés et d'adjudications, les règlements actuels qui, à l'expérience, ont donné toute satisfaction seront remplacés par des dispositions nouvelles que les Puissances signataires de l'Acte d'Algésiras sont invitées à approuver par avance, sans que leurs délégués doivent avoir aucune part à l'élaboration de ces nouveaux textes.

Le Gouvernement du Roi est convaincu que la future Administration tangéroise observera scrupuleusement le régime de l'égalité. On ne saurait nier cependant que l'organisation projetée n'enlève des garanties efficaces aux ressortissants des États autres que les trois Puissances contractantes, et que l'adoption de ce nouveau régime ne constitue pour ces Puissances un réel sacrifice.

En vue de l'atténuer autant que possible, le Gouvernement belge désirerait que les futurs dahirs relatifs aux adjudications et marchés et aux travaux publics soient soumis à l'approbation des Gouvernements qui auront adhéré à la convention.

III.—*Tribunal mixte.*

Comme le commerce belge à Tanger se classe immédiatement après celui des trois Puissances contractantes, le Gouvernement du Roi avait toujours considéré que l'importance des intérêts économiques de la Belgique justifiait l'admission d'un magistrat belge au sein du futur Tribunal mixte de Tanger ; aussi a-t-il été surpris d'apprendre que ce tribunal, tel qu'il est constitué par la convention, ne comprendra aucun titulaire belge.

Il est vrai que l'assemblée des juges titulaires peut agréer comme membre suppléant l'un ou l'autre Belge non magistrat, résidant à Tanger. Mais cet avantage ne suffit nullement à écarter l'inconvénient de n'être pas représenté au Tribunal mixte par des juges titulaires.

En effet, tout en rendant hommage à la science, à l'expérience et l'impartialité des magistrats qui seront choisis par les trois Puissances contractantes, on ne peut s'empêcher de constater qu'à la différence des ressortissants de ces Puissances, les Belges seront toujours jugés, d'après une loi étrangère, par des magistrats étrangers, parfois même par certains concurrents commerciaux choisis comme membres suppléants du tribunal.

Pour atténuer ce dernier inconvénient, l'article 6 du projet de dahir sur l'organisation d'une juridiction internationale stipule que les adjoints seront de la nationalité des parties, ou tout au moins, au cas où il n'existerait pas d'adjoint de cette nationalité, de la nationalité choisie par les parties ; il en sera ainsi, d'après l'article 6 du dahir, au "civil" et au "pénal." Mais comme l'article 4, indiquant les objets rentrant dans la

compétence de la section de première instance, énumère les matières (1) civile, (2) commerciale, (3) administrative, (4) correctionnelle, (5) d'appel de justice de paix, (6) immobilière, il n'est pas absolument évident que l'expression "au civil" de l'article 6 embrasse tout ce qui n'est pas répressif, et l'on pourrait soutenir par une interprétation littérale du texte que la garantie accordée par cet article ne s'applique ni aux matières commerciales, administratives et immobilières, ni aux appels de justice de paix: une telle interprétation rendrait plus insuffisante encore la garantie de l'article 6.

Le Gouvernement du Roi désire que ses ressortissants ne souffrent aucun préjudice de sa rénonciation éventuelle au droit de juridiction consulaire. Aussi exprime-t-il l'espoir que le Gouvernement britannique voudra bien s'entendre avec les Gouvernements français et espagnol pour admettre un magistrat belge en qualité de membre titulaire du Tribunal mixte. Des Belges devraient être admis également au secrétariat-greffe (article 14 du dahir).

IV.

L'article 13 de la convention, qui abroge les Capitulations et supprime le régime de la protection, stipule ce qui suit:

"Les sujets marocains dont les droits à la protection ont été préalablement reconnus sont personnellement et leur vie durant justiciables du Tribunal mixte de Tanger.

"Les listes de protection actuelles seront revisées dans un délai qui ne dépassera pas six mois à dater de la mise en vigueur de la présente convention, de commun accord entre les représentants du Gouvernement chérifien et le consulat intéressé.

"Les dispositions de la Convention de Madrid du 3 juillet 1880 demeurent en vigueur en ce qui concerne la naturalisation. La liste des sujets marocains naturalisés à Tanger sera revisée dans le même délai."

Il est à remarquer que cet article n'indique pas comment serait résolue une divergence de vues qui surgirait au sujet d'un cas de protection ou de naturalisation entre le consulat intéressé et le représentant du Gouvernement chérifien.

Au surplus, l'article 13 appelle les plus expresses réserves: le Gouvernement belge ne pourrait admettre notamment que soit contestée la validité des naturalisations qu'il a accordées dans le plein exercice de son droit souverain.

Je vous serais obligé, M. le Chargé d'Affaires, de vouloir bien faire part des considérations ci-dessus au Gouvernement de Sa Majesté britannique.

Veuillez, &c.

M. JASPAR.

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[W 3339/17/28] No. 59.

*Mr. MacDonald to the Marquess of Crewe (Paris).*

(No. 1348.)

My Lord, *Foreign Office, April 26, 1924.*

HIS Majesty's Ambassador in Brussels has forwarded to me a copy of a note which the Belgian Government have addressed to him, and no doubt to his French and Spanish colleagues also, on the subject of the Tangier Convention. A copy of Sir G. Grahame's despatch and the enclosure thereto are transmitted herewith for your Lordship's information.*

2. You will remember that in December last the British, French and Spanish Governments communicated a copy of the Tangier Convention to the other signatories of the Algeciras Act and informed them that their accession to the convention would be formally invited in due course. I am somewhat surprised that the Belgian Government should have formulated objections to the convention before their accession has been invited, and I hardly think that other Powers will follow their example. On this assumption I consider that it will be advisable to reply at once to the Belgian note and I have no doubt that the French Government will entirely concur in my view that the Belgian demands are altogether inadmissible. If they were to be granted, similar demands would inevitably be put forward by the other signatories of the Algeciras Act and the whole structure,rected with so much trouble and difficulty, would fall to the ground.

* No. 58.



3. His Majesty's Government suggest that a reply in the following sense should be given to the four points raised by the Belgian Government:—

(*a.*) The contracting parties have been advised by their military experts that the efficiency of the gendarmerie, which will consist of 250 men only, can best be secured if the European cadre of four subalterns and one non-commissioned officer be composed of Frenchmen and Spaniards with previous experience in a Moorish corps. The budget of the zone cannot bear the expense of Belgian subalterns and non-commissioned officers supernumerary to the establishment as laid down by the military experts, and it is impossible to see how the demand of the Belgian Government can otherwise be met without impairing the military efficiency of the unit. If the Belgian Government feel unable to accept the invitation to appoint a Belgian commandant on terms which are imposed solely by military and economic exigencies, the three Governments will reluctantly have to address the invitation to the Government of another Power.

(*b.*) The objections raised by the Belgian Government under this head are not justified by the facts. The functions of the various committees and commissions which are to be suppressed will devolve on the international administration, *i.e.*, the International Assembly and the administrative officers whom they appoint from amongst the nationals of the States signatory of the Act of Algeciras. Should the International Assembly pass any measure infringing the principle of economic equality, it will be the duty of the Committee of Control to exercise their right of veto. It has doubtless escaped the notice of the Belgian Government that article 31 provides that all acts of the International Assembly must be submitted a fortnight before promulgation to the Committee of Control, a body in which the British, French and Spanish representatives are in a large minority. It is difficult to see what more complete guarantee of economic equality could be devised consistent with the autonomy of the zone and the expeditious despatch of public business.

(*c.*) The Belgian Government complain that Belgian subjects, unlike those of the contracting parties, will be subjected to a foreign code which will be administered by foreign magistrates, often assisted by assessors who are commercial rivals. The Belgian Government are mistaken in supposing that British, French and Spanish nationals will enjoy a privileged position. It is more likely than not that cases in which they are concerned will be tried by a magistrate of a different nationality; and as regards British subjects they will be subject to a code from which British law differs more widely than any other and they will share with Belgian subjects the disability—if it be one—of having assessors of their own nationality drawn from the local population. The financial resources of the Tangier zone can barely support the expense of the Mixed Tribunal even on the modest scale laid down in the convention. It is manifest that if the demand of the Belgian Government for a magistracy were granted it would be impossible to resist similar applications from each of the other States signatory of the Act of Algeciras and it would be necessary to provide for the appointment of six more magistrates, a course which is clearly impracticable.

(*d.*) It is unfortunately notorious that grave abuse has been made at Tangier of the right of the Powers to confer protection and naturalisation. On the other hand, there is every reason to believe that the Belgian Government have adhered strictly to the terms of the Madrid Convention, and it is, therefore, in the highest degree improbable that any Belgian naturalisation will be called in question. The proper revision of the lists is essential to the well-being of Tangier, and the three Governments earnestly trust that the Belgian Government will, like themselves, recognise the fact and offer their whole-hearted co-operation towards the remedy of existing abuses.

4. The note to the Belgian Government might conclude by calling their attention to the great difficulties which attended the conclusion of an agreement between the three Powers chiefly interested on a question which has proved a source of trouble and discord for many years past. If all the Powers whose whole-hearted and willing co-operation in the scheme is necessary for its success now raise objections and demand alterations in the convention, the carefully adjusted balance will be destroyed and the

prospect of settling the status of Tangier once and for all will disappear. The Belgian Government under the terms of the convention secure the permanent neutrality of Tangier and absolute equality for Belgian trade and commerce. The attainment of these desiderata should surely satisfy them. The three Governments therefore beg the Belgian Government most earnestly to withdraw their objections, and by acceding unreservedly to the convention to give a lead to the other Powers concerned and encourage them to do likewise.

I am, &c.
J. RAMSAY MACDONALD.

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[W 3856/17/28] No. 60.

*The Marquess of Crewe to Mr. MacDonald.—(Received May 12.)*

(No. 1061.)

HIS Majesty's Ambassador at Paris presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit herewith copy of a note from the French Ministry for Foreign Affairs respecting the reply to the Belgian Government on the subject of their observations on the putting into force of the Tangier Statute.

*Paris, May 10, 1924.*

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Enclosure in No. 60.

*French Ministry for Foreign Affairs to the Marquess of Crewe.*

PAR sa note du 30 avril dernier, l'Ambassade de Sa Majesté britannique à Paris a bien voulu communiquer à ce Département, avec la note que le Ministère des Affaires étrangères de Belgique a adressée, le 16 avril dernier, au Chargé d'Affaires de Sa Majesté à Bruxelles, les vues du Gouvernement royal sur la réponse à faire tenir au Gouvernement belge au sujet de ses observations sur la mise en vigueur du Statut de Tanger.

Le Ministère des Affaires étrangères partage de tout point le sentiment du Gouvernement britannique sur la réponse à adresser au Gouvernement belge, et il est heureux de lui faire savoir qu'il est tout disposé à répondre à Bruxelles dans les termes mêmes qui sont présentées par le Gouvernement britannique.

Il lui demande toutefois de bien vouloir surseoir de quelques jours à cette réponse afin qu'il puisse, à titre de courtoisie, entretenir de cette affaire le Résident général de France à Rabat.

Il ne manquera pas de faire connaître à l'Ambassade d'Angleterre à Paris la date à laquelle il se propose de répondre au Gouvernement belge.

*Paris, le 7 mai 1924.*

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[W 3856/17/28] No. 61.

*Mr. MacDonald to Sir G. Grahame (Brussels).*

(No. 715.)

*Foreign Office, May 16, 1924.*

Sir,

IN my despatch No. 620 of the 30th ultimo I forwarded to your Excellency a copy of a despatch to His Majesty's Ambassador at Paris, outlining the terms in which His Majesty's Government proposed to reply to the objections of the Belgian Government to the Tangier Convention and instructing his Excellency to enquire whether the French Government would instruct their representative at Brussels to return a similar reply.

2. The French Government, in a note of which a copy is enclosed herewith,* have now informed Lord Crewe that they are in entire agreement with the views of His Majesty's Government, but that they propose to defer sending the necessary instructions to their representative at Brussels until they have, as a matter of form, consulted the French Resident-General in Morocco.

* No. 60.



3. I request that you, as soon as your French colleague has received his instructions, will concert with him in addressing a communication to the Belgian Government in the terms proposed by His Majesty's Government. In the meantime it may bring the Belgian Government to a more reasonable frame of mind if the dangerous consequences of their obstructive attitude can be forcibly brought home to them. I shall be glad if you will take an early opportunity of pointing out verbally to the Minister for Foreign Affairs in what difficult circumstances the convention was concluded. The fact that the French Government was at the moment virtually in control of Tangier and could view the breakdown of the conference with equanimity placed the British negotiators in a most disadvantageous position and it was only with the greatest difficulty that they were able to obtain economic equality for the commerce of all nations and the permanent neutrality of Tangier. In securing this result for His Majesty's Government they fought the battle of the Belgian and all other Governments and obtained a settlement which can only be for the good of Belgium. If at this stage the Belgian Government insist on modifications to the convention, other Powers will certainly do the same, with the inevitable result that the whole complicated and carefully balanced scheme will have to be abandoned and sooner or later Tangier will fall as completely into French hands as Tunis or Madagascar.

I am, &c.
J. RAMSAY MACDONALD.

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[W 3968/17/28] No. 62.

*Mr. MacDonald to His Majesty's Representatives at Washington (No. 818), The Hague (No. 235), Stockholm (No. 139), Brussels (No. 719), Rome (No. 695) and Lisbon (No. 157).*

*Foreign Office, May 19, 1924.*

Sir,

IN my telegram No. 387/33/22/172/351/57 of the 18th December last, I informed you that a copy of the recently concluded Tangier Convention was being communicated to all the States signatories of the Act of Algeciras, except Austria, Germany and Russia, and that the contracting parties would in due course invite these Governments to accede to the convention.

2. The British, French and Spanish instruments of ratification were deposited at Paris on the 14th instant, and the three Governments have decided to approach the other signatories of the Act of Algeciras without delay.

3. I request, accordingly, that you will concert with your French and Spanish colleagues in inviting the accession to the Tangier Convention of the Government to which you are accredited.

I am, &c.
J. RAMSAY MACDONALD.

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[W 3968/17/28] No. 63.

*Mr. MacDonald to His Majesty's Representatives at Washington (No. 819), The Hague (No. 236), Stockholm (No. 140), Rome (No. 696), Lisbon (No. 158), mutatis mutandis.*

*Foreign Office, May 19, 1924.*

Sir,

IN my immediately preceding despatch I instructed your Excellency to concert with your French and Spanish colleagues in inviting the accession to the Tangier Convention of the Government to which you are accredited.

2. It is possible that the United States Government, through misunderstanding the position or from a desire to wring concessions in favour of United States interests, may formulate objection to certain provisions of the convention. In order, so far as possible, to forestall such objections, I request that you will take an early opportunity of explaining verbally to the Secretary of State the circumstances in which the convention was concluded. The fact that the French Government were at the moment virtually in control of Tangier and could view the breakdown of the conference with equanimity rendered the task of the British negotiators extremely difficult. In securing economic equality for the commerce of all nations and the permanent neutrality of Tangier, His Majesty's Government have fought the battle of the United States and all other Governments and obtained a settlement which can only be for the good of the United States. If at this stage modifications are to be made in the convention to meet

the wishes of one Power similar concessions will have to be made to other Powers, with the result that the carefully adjusted balance will be destroyed and the whole structure, erected with so much trouble and difficulty, will fall to the ground. The whole-hearted co-operation of all the various States is essential to the successful operation of the convention. If it is not forthcoming the scheme will fail, and the various Governments will not have long to wait before they see France entrenched as strongly at Tangier as she now is at Tunis or Madagascar. His Majesty's Government earnestly hope, therefore, that the United States Government, by acceding unreservedly and immediately to the convention, will give a lead to the other Powers concerned and encourage them to do likewise.

I am, &c.
J. RAMSAY MACDONALD.

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[W 4568/17/28] No. 64.

*Mr. Kennard to Mr. MacDonald.—(Received June 3.)*

(No. 516.)

Sir, *Rome, May 31, 1924.*

WITH reference, to my despatch No. 513 of the 30th instant, I have the honour to report that I acted this morning on the instructions contained in your despatch No. 696 of the 19th May and urged the President of the Council to expedite the accession of the Italian Government to the Tangier Convention.

As I had expected, his Excellency commenced by an outburst at the manner in which Italy had been excluded from the negotiations in connection with the convention, and implied that it was a matter in which he now took no interest. I replied that the reasons for which the three Governments had been unable to agree to Italy's participation in the negotiations had already been fully explained, but that I now wished him more especially to look at the matter from the practical point of view. I put forward the considerations set forth in your despatch above referred to, and stated that, as I myself had been in Tangier recently for some years, I could bear personal testimony to the manner in which France now played a predominant rôle there. I pointed out that the Spanish position in their zone appeared to be none too secure, and that any modification there might still further prejudice our efforts to secure the neutralisation of Tangier. After reference to the articles of the convention which secure this neutrality, commercial equality, the rights of veto of the Committee of Control and other features which seemed likely to appeal to his Excellency, I urged that the Italian Government should give an example to the other Powers concerned by her immediate and unconditional accession to the convention.

Signor Mussolini stated that he had not had time to study the details of the convention, but that he would immediately do so. After further reference to the "affront" which he had received from the French Government by their refusal to admit Italy to the negotiations, he said that, in view of the fact that Great Britain made such a special point of the matter, he would give it a more sympathetic consideration. He thought that it might be necessary for him to make some reservation, when acceding to the convention, as to the manner in which Italy had been denied any participation in the negotiations, but he hoped that it would be possible to avoid demanding any modifications in the convention itself, which would cause delay or encourage other Powers to demand similar concessions.

I had, previous to my interview with Signor Mussolini, discussed the question with the Secretary-General of the Ministry for Foreign Affairs and other officials concerned and endeavoured to persuade them to exert their influence with the Minister. They asked for enlightenment on various points, such, for instance, as whether the convention had the general approval of His Majesty's Government. To this I replied that, while certain sections of Parliament might criticise it, His Majesty's Government felt that no other terms could have been obtained. They also enquired as to the attitude of the United States Government. I stated that, while I had no information on the subject beyond that contained in the communication of the United States Embassy in London of the 22nd October last, I imagined that, as long as commercial equality and the adequate protection of American interests were secured, the United States Government would not be likely to hesitate in acceding to the convention. I was also asked whether all the other Powers interested had already been requested to accede to the convention, and I should be grateful to be informed what steps His Majesty's Government have taken in this connection.



I have already suggested in my telegram No. 121 that, as Commendatore Guariglia, who has just proceeded to London as an expert in the Jubaland question, is also the Ministry's expert as regards Tangier, it might be advisable to endeavour to convince him from the technical point of view that it would be advisable for Italy to accept the convention without imperilling its execution.

I have, &c.
H. W. KENNARD.

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[W 4909/17/28] No. 65.

*Memorandum communicated by the Netherlands Minister, June 13, 1924.*

LES alinéas 1 et 2 de l'article 13 de la convention conclue le 18 décembre 1923 entre la Grande-Bretagne, l'Espagne et la France, relative à l'organisation du statut de la zone de Tanger, sont ainsi conçus :

"Par l'effet de l'établissement à Tanger du Tribunal mixte prévu à l'article 48, les Capitulations sont abrogées dans la zone. Cette abrogation entraîne la suppression du régime de la protection.

"Les sujets marocains dont les droits à la protection auront été préalablement reconnus sont personnellement et leur vie durant justiciables du Tribunal mixte de Tanger."

Tandis que le Gouvernement néerlandais a observé avec satisfaction qu'en vert, de ces dispositions les protégés existant actuellement dans la zone de Tanger seront soumis à la juridiction du Tribunal mixte prévu par le nouveau statut de cette zones alors que l'institut proprement dit de la protection y sera aboli, il croit qu'il est trèu désirable que ces prescriptions soient complétées d'une façon ou d'une autre, de sorte qu'il serait mis hors de doute que les protégés des Puissances occidentales résidant dans d'autres parties du Maroc seront justiciables à Tanger du Tribunal mixte, et non d'un juge indigène. De même, le Gouvernement de la Reine est d'avis qu'il y a lieu de mettre hors de doute (ne fût-ce que pour la gouverne des administrations locales) que les protégés résidant actuellement à Tanger resteront, après la mise en vigueur du nouveau statut, justiciables, dans les autres parties du Maroc, des tribunaux qui y sont compétents envers les ressortissants des Puissances occidentales, et non des juges indigènes. Comme les dispositions de l'article 13 susmentionné, les règles ainsi formulées reposent sur le principe que chacun qui, dans une des trois zones du Maroc, est justiciable non pas d'une juridiction indigène, mais d'un juge institué primordialement pour les ressortissants des Puissances occidentales, est soumis, dans les deux autres zones, au juge correspondant. Or, en vue de la nouvelle Convention de Tanger, la constatation expresse de ce principe pour le Maroc tout entier semble s'imposer, car, s'il est vrai que ledit principe serait généralement applicable même sans une telle constatation expresse, le Gouvernement néerlandais croit, néanmoins, qu'il est nécessaire de faire comprendre nettement que le fait que l'article 13 de la Convention relative à l'Organisation du Statut de la Zone de Tanger se borne aux protégés de Tanger et à Tanger ne signifie pas que le principe défini ci-dessus, qui est à la base de cet article, ne serait pas généralement applicable au Maroc.

Le Gouvernement de la Reine désire faire ressortir que la mise au point de cette question, qui, tout en étant, d'après sa manière de voir, très désirable, ne se trouve pas dans la convention du 18 décembre 1923, ne nécessite point une modification du texte de ladite convention ; elle pourra être obtenue par un simple protocole spécial ou par tout autre moyen opportun.

*Légation des Pays-Bas, Londres,*
*le 13 juin 1924.*

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## (e.) Miscellaneous.

[W 3748/3730/28] No. 66.

*Memorandum communicated by His Majesty's Agency at Tangier.—(Received May 7, 1924.)*

IMPORTS and Exports at Tangier, 1915 to 1923.

| Country and Year. | Imports. | Exports. |
|---|---|---|
| United Kingdom— | (In Francs.) | |
| 1915 ... ... | 3,827,575 | 231,292 |
| 1916 ... ... | 4,680,899 | 203,203 |
| 1917 ... ... | 4,585,794 | 432,033 |
| 1918 ... ... | 6,551,239 | 159,542 |
| 1919 ... ... | 8,874,902 | 1,040,531 |
| 1920 ... ... | 17,577,076 | 1,054,367 |
| 1921 ... ... | 8,596,688 | 419,847 |
| 1922 ... ... | 10,056,252 | 714,411 |
| 1923 ... ... | 8,682,217 | 1,157,192 |
| France and Algeria— | | |
| 1915 ... ... | 6,825,235 | 323,874 |
| 1916 ... ... | 7,702,062 | 421,902 |
| 1917 ... ... | 8,456,273 | 1,279,552 |
| 1918 ... ... | 9,493,140 | 3,893,864 |
| 1919 ... ... | 11,205,513 | 1,597,637 |
| 1920 ... ... | 32,219,015 | 1,136,300 |
| 1921 ... ... | 22,384,596 | 572,087 |
| 1922 ... ... | 22,370,137 | 1,139,403 |
| 1923 ... ... | 34,430,704 | 3,978,103 |
| Germany— | | |
| 1915 ... ... | 21,410 | ... |
| 1916 ... ... | 3,643 | ... |
| 1917 ... ... | ... | ... |
| 1918 ... ... | ... | ... |
| 1919 ... ... | ... | ... |
| 1920 ... ... | 95,661 | ... |
| 1921 ... ... | 550,462 | 92,200 |
| 1922 ... ... | 407,111 | 79,786 |
| 1923 ... ... | 81,123 | 83,750 |
| Spain— | | |
| 1915 ... ... | 4,236,443 | 323,586 |
| 1916 ... ... | 5,056,746 | 750,889 |
| 1917 ... ... | 7,006,820 | 1,197,677 |
| 1918 ... ... | 14,678,469 | 1,079,058 |
| 1919 ... ... | 14,951,841 | 3,608,522 |
| 1920 ... ... | 23,839,283 | 3,223,803 |
| 1921 ... ... | 14,919,779 | 2,176,602 |
| 1922 ... ... | 13,404,539 | 1,059,803 |
| 1923 ... ... | 10,847,913 | 1,994,441 |
| Belgium— | | |
| 1915 ... ... | 65,875 | ... |
| 1916 ... ... | 5,201 | ... |
| 1917 ... ... | ... | ... |
| 1918 ... ... | ... | ... |
| 1919 ... ... | 124,955 | ... |
| 1920 ... ... | 7,721,534 | 13,000 |
| 1921 ... ... | 2,100,172 | 2,710 |
| 1922 ... ... | 2,330,050 | 3,770 |
| 1923 ... ... | 3,198,131 | 73,081 |
| Italy— | | |
| 1915 ... ... | 273,620 | 57,508 |
| 1916 ... ... | 266,155 | ... |
| 1917 ... ... | 274,468 | 16 |
| 1918 ... ... | 166,490 | 30,000 |
| 1919 ... ... | 326,818 | ... |
| 1920 ... ... | 1,174,092 | ... |
| 1921 ... ... | 813,238 | 532,228 |
| 1922 ... ... | 1,666,123 | 593,108 |
| 1923 ... ... | 2,615,938 | 830,817 |

| Country and Year | Imports. | Exports. |
|---|---|---|
| Austria— | (In Francs.) | |
| 1915 ... ... | 13,492 | ... |
| 1916 ... ... | 1,646 | ... |
| 1917 ... ... | ... | ... |
| 1918 ... ... | ... | ... |
| 1919 ... ... | ... | ... |
| 1920 ... ... | 428 | ... |
| 1921 ... ... | 26,865 | ... |
| 1922 ... ... | 136,984 | ... |
| 1923 ... ... | 16,825 | ... |
| United States— | | |
| 1915 ... ... | 655,395 | ... |
| 1916 ... ... | 756,267 | ... |
| 1917 ... ... | 714,614 | 33 |
| 1918 ... ... | 370,986 | ... |
| 1919 ... ... | 2,436,724 | 451,718 |
| 1920 ... ... | 7,881,794 | 459,963 |
| 1921 ... ... | 7,610,019 | 413,469 |
| 1922 ... ... | 5,327,299 | 286,632 |
| 1923 ... ... | 6,622,691 | 356,951 |
| Portugal— | | |
| 1915 ... ... | 90,350 | 386 |
| 1916 ... ... | 139,157 | 10,246 |
| 1917 ... ... | 64,411 | 775 |
| 1918 ... ... | 49,044 | 4,300 |
| 1919 ... ... | 99,988 | 500 |
| 1920 ... ... | 284,000 | 90,006 |
| 1921 ... ... | 207,328 | 61,000 |
| 1922 ... ... | 251,790 | 184,409 |
| 1923 ... ... | 241,090 | 123,967 |
| Egypt— | | |
| 1915 ... ... | 500,855 | 89,224 |
| 1916 ... ... | 313,362 | 267,932 |
| 1917 ... ... | 52,980 | 5,184 |
| 1918 ... ... | 106,279 | 653,738 |
| 1919 ... ... | 97,581 | 541,831 |
| 1920 ... ... | 208,222 | 132,016 |
| 1921 ... ... | 110,219 | 184,912 |
| 1922 ... ... | 131,552 | 82,224 |
| 1923 ... ... | 90,323 | ... |
| Holland— | | |
| 1915 ... ... | 1,221,159 | ... |
| 1916 ... ... | 424,413 | ... |
| 1917 ... ... | 71,529 | ... |
| 1918 ... ... | 27,582 | ... |
| 1919 ... ... | 200,261 | 500 |
| 1920 ... ... | 2,796,117 | 4,900 |
| 1921 ... ... | 1,664,060 | 65,850 |
| 1922 ... ... | 1,351,524 | 232,872 |
| 1923 ... ... | 2,024,972 | 307,812 |
| Sweden— | | |
| 1915 ... ... | 85,211 | ... |
| 1916 ... ... | 18,999 | ... |
| 1917 ... ... | 2,224 | ... |
| 1918 ... ... | 143,963 | ... |
| 1919 ... ... | 730,626 | 500 |
| 1920 ... ... | 1,283,530 | 75 |
| 1921 ... ... | 253,443 | 1,500 |
| 1922 ... ... | 429,939 | 394 |
| 1923 ... ... | 619,549 | ... |



| Country and Year. | Imports. | Exports. |
|---|---|---|
| Norway— | (In Francs.) | |
| 1915 ... ... | 524 | ... |
| 1916 ... ... | 3,060 | ... |
| 1917 ... ... | ... | ... |
| 1918 ... ... | 5,786 | ... |
| 1919 ... ... | 21,546 | ... |
| 1920 ... ... | 14,892 | ... |
| 1921 ... ... | 12,921 | 63 |
| 1922 ... ... | 6,910 | ... |
| 1923 ... ... | 8,819 | ... |

| Country and Year. | Imports. | Exports. |
|---|---|---|
| Russia— | (In Francs.) | |
| 1915 ... ... | 1,313 | ... |
| 1916 ... ... | 77 | ... |
| 1917 ... ... | ... | ... |
| 1918 ... ... | ... | ... |
| 1919 ... ... | ... | ... |
| 1920 ... ... | ... | ... |
| 1921 ... ... | ... | ... |
| 1922 ... ... | 15,924 | .. |
| 1923 ... ... | 16 | .. |

[W 3730/3730/28] No. 67.

*Memorandum communicated by His Majesty's Agency, Tangier.—(Received May 7, 1924.)*

TABLE of Principal Foreign Colonies in Tangier.

| — | Subjects. | Remarks. |
|---|---|---|
| Great Britain ... | 610 | |
| France ... ... | 2,000 | |
| Algeria and Tunis ... | 700 | |
| Spain ... ... | 7,000–8,000 | There are many more not registered |
| Belgium ... ... | 20 | |
| Italy ... ... | 300–350 | Mostly labouring class. The numbers vary with the amount of work. |
| Austria ... ... | ... | None known. |
| United States of America ... | 10 | A few others not registered. |
| Portugal ... ... | 200–250 | Many are fishermen, and numbers vary. |
| Egypt ... ... | ... | No record, but number small. |
| Holland ... ... | 50 | This number includes the large family of Bendelac, probahly 20–25 real Dutch. |
| Sweden ... ... | 18 | 15 of these are members of the Dahl family, with numerous children. |
| Norway ... ... | 2 | |
| Russia ... ... | 20–25 | Mostly children. |

NOTE.—No mention is made on this list of protected persons

[W 4080/17/28] No. 68.

*The Marquess of Crewe to Mr. MacDonald.—(Received May 19.)*

(No. 1102.)

Sir, *Paris, May 17, 1924.*

WITH reference to your despatch No. 1553, I have the honour to inform you that I deposited the King's ratification of the Tangier Convention on the 14th May.

The ratifications of the French and Spanish Governments were deposited at the same time.

I have, &c.
CREWE.

[W 9984/1/28] No. 69.

*The Marquess Curzon of Kedleston to Mr. Robertson and Mr. Villiers.*

Gentlemen, *Foreign Office, January* 1, 1924.

I HAVE received your despatch No. 80, in which you report the signature of the Tangier Convention in Paris, and draw attention to the services of the various experts attached to the British delegation.

2. The negotiations have been beset throughout with every difficulty, and I have received with great satisfaction your report of their successful termination. I am glad to express my appreciation of the skill and patience which you have shown in carrying out the task entrusted to you and bringing the conference to a happy issue.

3. I note with pleasure the testimony which you bear to the value of the services rendered by your assistants, and am causing it to be brought to the notice of the authorities concerned.

I am, &c.
CURZON OF KEDLESTON.

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[W 10001/1/28] No. 70.

*The Marquess Curzon of Kedleston to Count de Saint-Aulaire.*

Your Excellency, *Foreign Office, January* 5, 1924.

IN M. de Montille's note of the 26th ultimo he enclosed a memorandum setting out the conditions under which the French Government propose that the construction of the harbour works at Tangier should be begun, pending the coming into force of the Tangier Convention.

2. In reply, I have the honour to inform your Excellency that His Majesty's Government share the desire of the French Government to expedite so far as possible the construction of the port, and, in order not to delay unnecessarily the execution of the preliminary work, they agree to the provisional arrangement outlined in the memorandum of the French Government.

I have, &c.
CURZON OF KEDLESTON.

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[W 9984/1/28] No. 71.

*Foreign Office to Treasury.*

Sir, *Foreign Office, January* 9, 1924.

IN a despatch reporting the conclusion of their labours, the British delegates to the Tangier Conference, recently held in Paris, call attention to the services rendered by Sir John Fischer Williams and Mr. Armitage Smith, of the Reparation Commission, who were attached to the delegation during the conference.

2. The British delegates report that Sir J. Fischer Williams took a prominent part in drawing up with the French and Spanish legal experts the draft Shereefian decree establishing an international tribunal in Tangier. Owing to the wide divergence in the systems of jurisprudence in force in the three countries the negotiations were exceedingly complicated, and it is a striking tribute to Sir John's ability that not only was agreement reached but all the British desiderata were eventually secured despite considerable opposition. Mr. Armitage Smith, the British representative on the committee which drafted the financial articles of the Tangier Convention, had a most unenviable task in endeavouring to reconcile the conflicting opinions of the French and Spanish financial experts. The satisfactory outcome of his efforts was due to his ingenuity and to the calming influence which he brought to bear on his excitable colleagues.

3. I am directed by the Marquess Curzon of Kedleston to request that you will draw the attention of the Lords Commissioners of His Majesty's Treasury to the valuable assistance given to the British delegation by Sir John Fischer Williams and Mr. Armitage Smith, and that you will convey to those gentlemen an expression of his high appreciation of their services.

I am, &c.
R. H. CAMPBELL.

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[W 9984/1/28] No. 72.

*Foreign Office to Ministry of Transport.*

Sir, *Foreign Office, January* 9, 1924.

IN a despatch reporting the conclusion of their labours, the British delegates to the Tangier Conference, recently held in Paris, call attention to the services rendered by Mr. H. Hawkins, of the Ministry of Transport, who assisted Lieutenant-Colonel H. O. Mance as expert on the Tangier harbour question.

2. Mr. Hawkins's advice was invaluable in the discussion of the many technical questions connected with the construction of the port. So excellent, indeed, were his suggestions that they were accepted practically in their entirety by the French and Spanish experts and the representatives of the concessionary company.

3. I am directed by the Marquess Curzon of Kedleston to request that you will draw the attention of the Minister of Transport to the valuable assistance given to the British delegation by Mr. Hawkins, and that you will convey to this gentleman an expression of his Lordship's appreciation of his services.

I am, &c.
R. H. CAMPBELL.

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[W 9984/1/28] No. 73.

*Foreign Office to War Office.*

Sir, *Foreign Office, January* 9, 1924.

IN a despatch reporting the conclusion of their labours, the British delegates to the Tangier Conference, recently held in Paris, call attention to the services rendered by Lieutenant-Colonel H. O. Mance, C.B., C.M.G., D.S.O., at present C.R.E., London, who was attached to the delegation as expert on the Tangier harbour question.

2. The revision of the Tangier harbour concession was one of the most important tasks before the conference, involving thorny political considerations as well as financial and commercial questions of great technicality and complexity. The British delegates report that it was entirely due to Colonel Mance's technical knowledge, ability and prodigious energy that this onerous work was accomplished and agreement reached between all the parties concerned, including the concessionnaire company itself. The French and Spanish delegations admitted frankly that but for Colonel Mance the negotiations over the harbour concession must have broken down.

3. I am directed by the Marquess Curzon of Kedleston to request that you will draw the attention of the Army Council to the valuable assistance given to the British delegation by Colonel Mance, and that you will convey to this officer an expression of his Lordship's high appreciation of his services.

I am, &c.
R. H. CAMPBELL.

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## (f.) Report on Heads of Foreign Missions.

[W 4419/4419/28] No. 74.

*Mr. Robertson to Mr. MacDonald.—(Received May* 29.)

(No. 136.)

Sir, *Tangier, May* 21, 1924.

IN reply to your despatch No. 173 of the 9th May, I have the honour to state that, with the exception of the enclosed report on M. Brambilla, the Italian agent, I have nothing to add to my report of last year on the heads of foreign missions at Tangier, who did not change during 1923.

I have, &c.
ARNOLD ROBERTSON.

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Enclosure in No. 74.

*Report on Heads of Foreign Missions at Tangier.*

*Belgium.*

BELGIUM is represented by M. Maurice Cuvelier, who was appointed diplomatic agent and consul-general at Tangier in 1917. He is in the Belgian consular service, and spent some time in Bombay. He is an amiable enough colleague, and gives himself considerable trouble to fulfil his social duties, holding tenaciously to his place in the sun as Belgian representative. The pomposity of his manner and the pedantry of his diction make him something of a butt amongst his colleagues. He usually votes with the French in matters concerning the administration of Tangier. He is married, and his wife is generally popular. He has some knowledge of English. (Written in 1921.)

*France.*

M. François de Carbonnel has been French diplomatic agent since 1919. Before his arrival he was counsellor at the French Mission to the Belgian Government at Le Havre, and, some time earlier, secretary of embassy at Berlin. He is a man of some intellect and considerable personal charm. He is astute and quick at taking up little points, but appears to be almost entirely lacking in character or in courage of his convictions, if, indeed, he has any. He is terrified of both Paris and Rabat, and seldom, if ever, ventures an opinion of his own. I doubt if he intrigues against us of his own volition, but he makes no effort to control the anti-British machinations of his dragoman, M. Ronflard, who probably takes his orders from Rabat or the Quai d'Orsay. M. de Carbonnel professes Anglophil sympathies, but they are of little value, as he carries no weight with anyone. Altogether a poor creature who, if pressed, takes refuge in obstinacy. He is a widower. (Written in 1922.)

After a year's experience I am less certain that M. de Carbonnel does not intrigue against us. He has, I know, done his best to frighten the American Minister, and to accuse him of being under British influence. He has also done his best to make mischief between the American Minister and his secretary. M. de Carbonnel is not a colleague whom I would be in the least inclined to trust in spite of his charming manners. (Added in 1923.)

*Italy.*

M. Brambilla arrived early in March 1923. He was for some time counsellor at the Italian Embassy at Washington and was afterwards employed at Rome.

I have known M. Brambilla for a number of years, as we were colleagues at Washington. He is a man of ability, and can be trusted to look after his country's interests wherever he may be sent. He has a charming manner, and was very popular with the Italian colony here. He speaks English fluently and well, and I have always found him friendly and receptive. His health is inclined to be delicate, owing to an excessive indulgence in cigarette smoking, but, in spite of that, he has shown that he is capable of displaying considerable energy when the occasion warrants.

His wife is an American by birth, daughter of Mr. von Lengerke Meyer, who used to be American Ambassador at St. Petersburg and Rome, and was subsequently Secretary of the Navy in President Roosevelt's Cabinet. She has not inconsiderable means of her own, is pleasant and kindly, and is fond of society and entertaining. I am afraid that she rather bores her husband and that she is also inclined to be indiscreet. She has an enormous correspondence, and writes twelve letters of gossip every day of her life all over the world.

*Netherlands.*

M. J. D. van Ketwich Verschuur arrived in Tangier as Dutch agent and consul-general in October last. He speaks excellent English, but shares his countrymen's sympathies for the Germans. He was formerly in the Foreign Office at The Hague, and has been seven years at Pretoria. He considers that Holland has important commercial interests at Tangier, and I gather that his Government are becoming more and more strongly in favour of internationalisation. They would certainly express definite views on any scheme put before them. M. van Ketwich is persistent to the point of indiscretion in his questionings on all subjects, and it is not always easy to put him off. He is married to a pleasant but shy Dutch lady, who also speaks English. (Written in 1922.)



*Portugal.*

M. Lopes da Silva Ferreira arrived in May 1921, a pleasant but colourless colleague, whose instructions, so he informs me, are to support me in case of differences among members of the Diplomatic Body. He generally puts "d'accord avec mon honorable collègue d'Angleterre" under my minutes on circulars, but never expresses an opinion of his own. (Written in 1922.)

*Spain.*

Don Francisco Serrat has been Spanish representative at Tangier since the beginning of 1916, before which date he was head of the Morocco Department in the Ministry for Foreign Affairs at Madrid, having previously served in several Spanish diplomatic missions in Europe and elsewhere.

M. Serrat is in the strange position of not being officially recognised by the Makhzen, never having been furnished with letters of credence as diplomatic agent. He explains his position by claiming that he is merely agent for the Tangier zone, where his Government do not recognise any sovereign rights on the part of the Sultan, and that he has nothing to do with the French protectorate or the Spanish zone of Morocco.

M. Serrat is a man of a certain ability and a master of the terms of all the treaties, rules and regulations affecting this place. His position in Tangier, where he feels obliged actively and constantly to uphold Spanish rights, renders him, however, touchy and impulsive and apt to rush into ill-considered action that he afterwards regrets. He has no manners, and the manifestations of his quick temper, soured by his experiences at Tangier, are unpleasant. At meetings of the Diplomatic Body, Conseil sanitaire and the Comité des Travaux publics he sometimes loses control of himself and beats the table and shouts. He is a difficult colleague to deal with, and not always truthful, and at a place such as Tangier, where the difficulties of things often demand much patience, tact and good-will, he can only be regarded as a danger. (Written in 1921.)

His position has recently become still more difficult, owing to the refusal of my French colleague and the local authorities to recognise him as doyen of the Diplomatic Body, because he is not accredited to the Sultan and denies His Majesty's authority over Tangier. (Written in 1922.)

*United States.*

Mr. Blake left on a special mission to the Balkans in April, and has been replaced by a Roman Catholic priest, Father Joseph M. Denning, who had never previously been outside the United States. Though he assures me that he is not of Irish origin, his parents were born in County Clare and emigrated to the United States. His appointment, he tells me, is due to a desire on the part of President Harding to show gratitude to the Roman Catholic Church for their support during the last elections. He is a fish out of water, understands no word of any language but his own, and has so far failed to show any sign of grasping the position here or any of the problems with which he has to deal. French agents tried to flatter him and wean him over to their side almost immediately after his arrival, but Mr. Blake was still here at the time, and was able to warn him. The hint was apparently given to him that he would certainly get a bishopric if he did well here. It is too early yet for me to judge how far he is likely to fall into the traps laid for him, but I am inclined to think that he would resent any attempt to make a fool of him. I am informed that the State Department did not approve of the appointment, but President Harding insisted. They have therefore sent a secretary to help him, Mr. Ferdinand L. Mayer, who practically does all the work, to the no small chagrin of the French agency. Mr. Mayer comes from the State Department. He has only been here one month, but has grasped the whole situation here in that very short time. He is one of those honest, straightforward Americans with whom it is a pleasure to deal and whom intrigue disgusts and alienates. It is safe enough for us to let him work out his own salvation, but to give him any help for which he may ask. The French have put it about that he is a German Jew, a fact of which he is quite aware, as Tangier is a very small place, and one which shows that they are put out by his arrival. They had hoped to have things all their own way with Father Denning. (Written in 1922.)

Owing partly to the intrigues of my French colleague, the relations between Mr. Denning and Mr. Mayer have been somewhat uneasy. Mr. Denning is a perfect child in diplomacy, he is easily frightened, and does not seem to know his own mind from one minute to another. I cannot honestly say, however, that he has shown any sign of falling under French influence.

## CHAPTER II.—FRENCH ZONE.

### (a.) Capitulations.

[W 2777/1169/28] No. 75.

*The British Merchants' Morocco Association to Foreign Office.—(Received April 1.)*

37, *Gracechurch Street, London,*
*March* 29, 1924.

Sir,

CONSIDERABLE anxiety is being felt by British merchants at the present time as to the position of British commercial rights in the French zone of Morocco, mainly arising from two causes :—

(1.) The belief that British rights will come to an end if the Anglo-French Declaration of 1904 should not be renewed in 1934; and
(2.) The apprehension that the British capitulatory rights in Morocco may be surrendered, as has from time to time been threatened.

2. The council of this association understand that the equality of British trade rights with the French and other nationalities does not depend fundamentally upon the Anglo-French Declaration of 1904, but upon the Commercial Treaty with Morocco of 1856, the Act of Algeciras of 1906, the Franco-German Agreement of 1911 and the Franco-Spanish Agreement of 1912, all of which appear to provide for the maintenance of the "open door" for trade without limit of time.

3. With regard to the Capitulations, it is asserted by the majority of those interested that British influence in Morocco would be seriously imperilled if the Capitulations were surrendered.

On the 3rd April, 1923, your Department wrote: "His Majesty's Government have no intention of surrendering at present their capitulatory rights in Morocco, but sooner or later this will be inevitable," and it has been said that, if and when the Capitulations are surrendered in Egypt, His Majesty's Government would be obliged to give up their capitulatory rights in Morocco.

My council cannot understand why the surrender of British Capitulations to the Egyptian Government should necessarily involve the surrender of British Capitulations to the French protectorate authorities in Morocco, and would be glad if information could be given concerning the treaty or other instrument upon which such action could be justified.

4. My council consider that it is of the utmost importance that British traders should be informed of the views of His Majesty's Government in regard to both these points, viz. :—

(1.) The maintenance of the "open door" for trade after 1934;
(2.) The maintenance of the British capitulatory rights;

and would greatly appreciate being given an assurance in respect of them.

I have, &c.
M. B. MILNE, *Secretary.*

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[W 3573/1169/28] No. 76.

*Memorandum on British Treaty Rights in Morocco in Matters of Commerce.*

ARTICLE 4 of the declaration between the United Kingdom and France respecting Egypt and Morocco of 1904 reads as follows :—

"The two Governments, being equally attached to the principle of commercial liberty both in Egypt and Morocco, declare that they will not, in those countries, countenance any inequality either in the imposition of customs duties or other taxes, or of railway transport charges.

"This mutual engagement shall be binding for a period of thirty years. Unless this stipulation is expressly denounced at least one year in advance, the period shall be extended for five years at a time."

What will be our treaty rights in the French protectorate in matters of commerce if the French denounce the above stipulation in 1933? It has constantly been alleged



that we shall then have no rights and that we shall be at the tender mercy of the French. I do not believe this to be the case.

Apart from the above declaration of 1904 our commercial rights in Morocco appear to rest upon three instruments :—

1. *Anglo-Moorish Commercial Convention of* 1856.

Article 1 grants British subjects "all other rights and privileges which hereafter may be granted to any other foreigners, subjects or citizens of the most favoured nation": while article 6 provides that British merchandise or goods shall not be "subject to higher duties than are levied on the same kind of merchandise or goods imported by the subjects of any other foreign Power or by native subjects." Under article 14 the convention is subject to revision, "but until such revision shall have been accomplished by common consent and a new convention shall have been concluded and ratified, the present convention shall continue and remain in full force and effect."

In other words, full and unrestricted most-favoured-nation treatment is assured to British subjects for as long as His Majesty's Government choose to claim it.

2. *The Act of Algeciras,* 1906.

There is no mention of commercial equality, most-favoured-nation or national treaties in the articles of the Act of Algeciras, which consist of a series of declarations and regulations. In the preamble, however, which of course is an integral part of the Act, it is expressly stated that the signatory Powers, "inspired by the interest which attaches to the reign of order, &c., in Morocco, and having recognised that this desirable end can only be attained by means of the introduction of reforms based upon the three-fold principle of . . . . *economic liberty without any inequality,* have resolved, &c." This provision and the Act as a whole have always been looked upon as assuring equality of treatment to foreign nations in Morocco.

3. *The Franco-German Convention respecting Morocco of* 1911.

Article 1 of this instrument provides for the consent of the German Government to the measures of reorganisation, &c., which the French Government may consider it necessary to take, "with the reservation that French action will ensure *economic equality between the nations in Morocco*"; and in the event of France being led to strengthen and extend her control and protection, the German Government will raise no objection "*subject to the reservation that the commercial liberty guaranteed by former treaties is respected.*"

In article 4 "The French Government declare that, firmly attached to the principle of commercial liberty in Morocco, they will not permit any inequality either as regards the establishment of customs duties, taxes, or other contributions, or as regards the establishment of tariffs for transport by rail, river, or other means, and especially as regards all questions of transit.

"The French Government will also use their influence with the Moorish Government with a view to prevent any differential treatment of subjects of the different Powers; they will more particularly oppose any measure, the promulgation, for instance, of administrative decrees dealing with weights and measures, gauging, stamping, &c., which might place the merchandise of a Power in a position of inferiority."

In article 6 the French Government undertake that the conditions for tendering of contracts, &c, will "not place the subjects of any Power in a position of inferiority," and that as regards the working of railways and other means of transport "no differential treatment" "is accorded to the subjects of the different Powers who use such means of transport."

His Majesty's Government formally acceded to this convention a few months after its signature.

The French have now established a protectorate in Morocco, and the question arises whether under the 1856 treaty, which guarantees us most-favoured-nation treatment, we can claim the same treatment as the French protectorate authorities extend to French commerce. Sir C. Hurst considers that so long as the Convention of 1856 is in force, British trade and commerce in Morocco are entitled to the same treatment as that of any other foreign country, and that we are entitled to maintain that so long as the Algeciras Act and the Franco-German Convention of 1911 (in respect of the British accession) are in force, France cannot claim that she in Morocco

is not a foreign State, *i.e.*, she cannot claim that her own commerce may receive at the hands of the Shereefian Government treatment on the basis that it is the same as native commerce without the extending of the treatment to the commerce of other foreign countries. Sir C. Hurst therefore inclines to the opinion that if the Convention of 1856 outlives the Anglo-Franco-Egyptian-Morocco Declaration of 1904, British commerce will still be entitled to the same treatment as French commerce.

Whatever view may be taken of our rights under the 1856 treaty, it seems beyond doubt that under the 1911 convention we can claim absolute economic and commercial equality with the French and everyone else in Morocco, both now and in 1934. Nothing can be more categorical than the terms of the 1911 convention, and it is concluded in perpetuity, *i.e.*, there is no provision for its termination or denunciation by either party. As between France and Germany the convention was abrogated by the Treaty of Versailles, but not as between France and ourselves; and the French are estopped from contesting this by the fact that they themselves last year demanded, on the ground of our accession to the 1911 convention, that we should abandon our capitulatory rights in the French protectorate. If the article about Capitulations is in force, so are the articles about commercial and economic equality.

There is a point in regard to the interpretation of article 4 of the 1904 declaration which wants clearing up. Is Great Britain in a position since 1922, when the independence of Egypt was recognised, to make good her undertakings under that article? Is Great Britain in a position to ensure equality of treatment in Egypt for French commerce? Apart from the commercial conventions by which Egypt is bound, what power have His Majesty's Government now got to prevent Egypt differentiating against French commerce in Egypt or for that matter to prevent Egypt differentiating against British commerce? If we are no longer in a position to enforce article 4 and cannot guarantee France the advantages she was to receive under it, are we entitled to maintain that she must give us in Morocco the rights which the letter of the article guarantees to us?

The best answer to these questions is to recall that in reply to our notification of the withdrawal of our protectorate and of the declaration of a British Monroe doctrine in respect of Egypt, M. Poincaré, in a note dated the 22nd March, 1922, said: ". . . . Le Gouvernement de la République, fidèle à l'esprit des accords du 8 avril 1904, est tout disposé à reconnaître en Égypte au Gouvernement de Sa Majesté britannique, *sous le nouveau régime*, les droits qu'il eut tenus de l'exercice régulier du protectorat . . . ." It is hardly for the French to argue that we have lost our ability to live up to our promises of 1904 in the light of the above note.

On the other hand, as things are at the moment in Egypt, we should not find it altogether easy to coerce the Egyptian Government into refraining from discrimination against French interests should such a course commend itself to Zaghlul Pasha. The case, however, is unlikely to arise so long as Egyptian opinion is so sensitive and so resentful of anything in the nature of British control. In fact, if discrimination is in the air, it is much more likely to be directed against British and in favour of French and/or Italian interests than the reverse.

The conclusion of the matter therefore is that in 1934 our treaty right to absolute economic and commercial equality with the French in Morocco will be as incontestable as it is to-day.

*Foreign Office April 24, 1924.*

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[**W 2777/1169/28**] No. **77.**

*Foreign Office to British Merchants' Morocco Association.*

Sir, *Foreign Office, April 30, 1924.*

THE Secretary of State for Foreign Affairs has had under consideration your letter of the 1st instant, in which the British Merchants' Morocco Association request assurances on two points of importance, viz., (1) British treaty rights in matters of trade and commerce in the French protectorate in Morocco in the event of the denunciation in 1933 of article 4 of the Anglo-French Declaration of 1904, and (2) the surrender of existing British capitulatory rights in the French protectorate.

2. The general misapprehension which prevails on the first of these two points is no doubt due to the fact that the reciprocal engagement to maintain the "open door" in Morocco and Egypt respectively contained in article 4 of the Anglo-French Declaration is binding for a period of thirty years only, and can be denounced in 1933,



although it may continue in force if not so denounced. It appears to be assumed that in the event of such denunciation it will be open to the French authorities, should they desire to do so, to institute in 1934 a preferential régime in favour of French commerce in the protectorate. This is, however, not regarded by His Majesty's Government as being the case, since British commercial rights in Morocco rest not only on the Anglo-French Declaration of 1904, but also on the Anglo-Moorish Commercial Convention of 1856, the Algeciras Act of 1906, and the Franco-German Convention respecting Morocco in 1911.

3. Article 1 of the convention of 1856 grants to British subjects "all other rights and privileges which hereafter may be granted to any other foreigners, subjects or citizens of the most favoured nation; while article 6 provides that British merchandise or goods shall not be "subject to higher duties than are levied on the same kind of merchandise or goods imported by the subjects of any other foreign Power or by native subjects."

Under article 14 the convention is subject to revision, "but until such revision shall have been accomplished by common consent, and a new convention shall have been concluded and ratified, the present convention shall continue and remain in full force and effect."

In other words, full and unrestricted most-favoured-nation treatment is assured to British subjects for as long as His Majesty's Government choose to claim it.

4. Mr. Ramsay MacDonald is advised that, notwithstanding the establishment of a French protectorate since the date of the above convention, His Majesty's Government are entitled to claim under that convention that British commerce shall receive at the hands of the Moorish Government exactly the same treatment, in matters covered by the convention, as French or, of course, any other foreign commerce.

5. The preamble to the Algeciras Act, to which both His Majesty's Government and the French Government are parties, expressly mentions "economic liberty without any inequality." The Franco-German Convention of 1911, to which His Majesty's Government have formally acceded, and which remains in force as between His Majesty's Government and the French Government, lays down the principle of commercial and economic equality in most categorical terms. In article 4 of that instrument "the French Government declare that, firmly attached to the principle of commercial liberty in Morocco, they will not permit any inequality either as regards the establishment of customs duties, taxes, or other contributions, or as regards the establishment of tariffs for transport by rail, river, or other means, and especially as regards all questions of transit.

"The French Government will also use their influence with the Moorish Government with a view to prevent any differential treatment of subjects of the different Powers; they will more particularly oppose any measure, the promulgation, for instance, of administrative decrees dealing with weights and measures, gauging, stamping, &c., which might place the merchandise of a Power in a position of inferiority."

In article 6, the French Government undertake that the conditions for tendering of contracts, &c., will "not place the subjects of any Power in a position of inferiority," and that, as regards the working of railways and other means of transport, "no differential treatment is accorded to the subjects of the different Powers who use such means of transport."

6. Neither the Algeciras Act nor the convention of 1911 contains any provisions in regard to termination or denunciation, and it is therefore open to His Majesty's Government to maintain them in force in so far as British rights are concerned. So long as His Majesty's Goverment remained determined—as they are at present—to do so, the British Merchants' Morocco Association may rest assured that even if article 4 of the Anglo-French Declaration of 1904 be denounced in 1933, British treaty rights in matters of trade and commerce in the French protectorate in Morocco will remain the same as they are to-day.

7. Passing on to the second point raised in your letter, i.e., the surrender of British capitulatory rights in Morocco, I am to observe that study of the second secret article—long since published—attached to the Anglo-French Declaration of 1904 would have shown to your Association that there is no question of the "surrender of *British* Capitulations to the Egyptian Government" involving the surrender of British Capitulations to the French authorities in Morocco. The article reads as follows:—

> "His Britannic Majesty's Government have no present intention of proposing to the Powers any changes in the system of the Capitulations, or in the judicial organisation of Egypt.

"In the event of their considering it desirable to introduce in Egypt reforms tending to assimilate the Egyptian legislative system to that in force in other civilised countries, the Government of the French Republic will not refuse to entertain any such proposals, on the understanding that His Britannic Majesty's Government will agree to entertain the suggestions that the Government of the French Republic may have to make to them with a view of introducing similar reforms in Morocco."

The article contemplates a request by His Majesty's Government that *French* Capitulations should be surrendered in Egypt, and I am to observe that in view of the present independent status of the Egyptian Kingdom the contingency of His Majesty's Government putting forward such a request is remote.

8. His Majesty's Government have consistently maintained that in this matter of the Capitulations they are legally bound by the article quoted above, and by that alone, and that there is nothing in the Franco-German Convention of 1911, or in any other instrument, which binds them to surrender British capitulatory rights in Morocco, either now or at any given time. Nevertheless, as stated in the Foreign Office letters of the 28th April, 1922, and the 3rd April, 1923, the time will undoubtedly come sooner or later when such surrender will be expedient. Mr. Ramsay MacDonald desires to renew the former assurances given to you by his predecessor in the two above-mentioned letters that when that time arrives His Majesty's Government will not fail to safeguard to the utmost extent the important British interests involved.

I am, &c.

G. H. VILLIERS.

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[W 4006/1169/28] No. 78.

*Count de Saint-Aulaire to Mr. MacDonald.*—(*Received May* 16.)

L'AMBASSADEUR de France a l'honneur d'appeler l'attention de son Excellence le Principal Secrétaire d'État de Sa Majesté pour les Affaires étrangères sur la question de la suppression des Capitulations dans la zone française de l'Empire chérifien qui avait été jugée à présent subordonnée au règlement satisfaisant de la question de Tanger.

Le Gouvernement de la République verrait avec le plus grand plaisir le Gouvernement de Sa Majesté prendre les mesures nécessaires pour supprimer ses Capitulations dans la zone française au Maroc.

M. Poincaré suggère que la mise en vigueur du nouveau régime ait lieu soit à la date de la ratification du Statut de Tanger, soit à la date de la mise en vigueur de ce statut.

Il demeure bien entendu que les instances entamées devant les juridictions consulaires continueront à relever de ces juridictions tant qu'elles ne seront pas terminées.

Le Gouvernement français serait, d'autre part, très désireux que le Gouvernement britannique consentît à la suppression de ses postes dans la zone française du Maroc.

Le Comte de Saint-Aulaire serait très reconnaissant à son Excellence Mr. Ramsay MacDonald de bien vouloir lui faire connaître aussitôt que possible les intentions de son Gouvernement sur ce qui précède, et il saisit, &c.

*Ambassade de France, Londres,*
*le* 15 *mai* 1924.

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[W 4433/1169/28] No. 79.

*Memorandum respecting French Request for the Surrender of British Capitulatory Rights in the French Protectorate in Morocco.*

THE maintenance of British capitulatory rights in the French protectorate in Morocco, in spite of the surrender since 1912 of such rights by all the Powers except ourselves and the United States of America, has for some years been a thorn in the side of the French. Their *amour-propre* is wounded and they feel that their prestige is lowered in the eyes of the natives. Several times recently they have asked us to surrender our rights; we have refused even to consider it while the problem of Tangier remained unsettled.

Our treaty obligations in the matter of the Capitulations were exhaustively examined in 1922 (see W 4611/1922), and the conclusion was reached that our



accession to the Franco-German Convention of 1911 did not bind us to give up our capitulatory rights either now or at any given time. The one and only engagement which binds us in regard to the Capitulations is the secret article attached to the Anglo-French Declaration of 1904, to the effect that if we proposed reforms in the Egyptian legislative system the French would not refuse to entertain such proposals, on the understanding that we would agree to entertain similar proposals made by the French in regard to Morocco. Unless and until we make such proposals, the French cannot claim from us under the above article the abandonment of our capitulatory rights in Morocco.

As already observed, our accession to the Franco-German Convention of 1911 does not bind us to give up our rights *either now or at any given time*, but it certainly contemplates their eventual surrender. By article 1 of that instrument we undertake not to obstruct such action as may be taken by France to assist the Moorish Government in the introduction of any administrative, judicial, economic, financial and military reforms; and article 9 refers to "such time as a judicial system founded on the general principles embodied in the legislation of the Powers interested shall have been introduced, which shall ultimately, by agreement between these Powers, replace the consular courts." We have always taken the view at the Foreign Office that sooner or later we shall have to surrender our rights, and we have not concealed this view. As recently as the 30th April last we said so for the third or fourth time to the British Merchants' Morocco Association, and Mr. Robertson has repeatedly warned the British merchants at Casablanca and Fez to that effect.

Whatever construction be placed on the 1911 convention, it is not open to argument that the whole theory of capitulatory rights is based on the hypothesis of a wild uncivilised country where Europeans cannot obtain justice. It was obviously impossible for the European Powers in the 19th century to allow their nationals to be at the mercy of the Sultan and the Moorish courts and to tolerate their being imprisoned and plundered or worse by mere savages. Alongside the extra-territoriality of Europeans there developed as a natural corollary the right of "protecting"—*i.e.*, of placing within European jurisdiction—the employees and agents of Europeans in Morocco. Such protection was of course of inestimable value to the Moors who enjoyed it, since they were thus safe from the cruelty and rapacity of their native rulers. It further became a political weapon in the hands of the European Powers against each other, and in the early years of the present century most of the great chieftains and political personages in Morocco were protected by one or other of the Powers.

The state of affairs which prevailed in Morocco prior to the establishment of the French protectorate in 1912 has now passed away, never to return. The recesses of the Atlas Mountains remain wild and uncivilised, but the big towns and the "bled" are as peaceful and orderly as Bedfordshire. French justice may not be ideal, but it is every whit as good at Marrakesh as at Marseilles. The maintenance of our capitulatory rights is undoubtedly an anachronism.

The British merchants on the Atlantic coast are conservative and tenacious of their privileged position to a marked degree. They have been subject, in theory, to British laws and regulations, and to them alone, ever since the memory of living man. Prestige and *amour-propre* are equally bound up with the Capitulations, and the older British merchants will protest with no small voice and with unfeigned fury if and when the Capitulations are surrendered. It would facilitate matters if the Americans would follow suit, but of this there is little prospect. I have been told that not a single Congressman and only a handful of Senators have any idea what capitulatory rights are, beyond the fact that they are rights, and as such, worth keeping. If we decide to surrender the Capitulations we must be prepared for a considerable outcry.

Practically, by which I mean commercially, financially and physically, I do not believe the British merchants will suffer in the least, and Sir M. Robertson thinks the same. The French are now firmly established in Morocco, and nothing short of force will turn them out. Marshal Lyautey is the ruler of Morocco, and his laws and regulations are the laws and regulations to which in practice the British merchants are subject just as much as the French. Theoretically the Sultan's dahirs do not apply to British subjects until King's Regulations to that effect have been issued; but what happened when we refused to issue a King's Regulation in the case of the consumption duties imposed some years ago on certain commodities in the French protectorate? These duties are levied on importation, and the customs authorities delayed clearance by the British importers on some pretext or other, alleged the goods were "lost" or

"wrongly declared," &c., &c., and put such intolerable difficulties in their way that, after endless loss of time, trouble and money, the British importers finally preferred to pay. It became absurd for us to hold out any longer, and we issued a King's Regulation. The fact is that it is altogether impossible in a modern civilised town like Casablanca or Rabat for a small section of the population to be outside the law. If they try, the law-givers will see to it that the attempt recoils on their own heads.

It has been alleged that the withdrawal of protection from the native semsars or agents of British firms will affect British trade adversely. The argument is that the British semsar buys and pushes British goods as a reward for his protection. There is some truth in this, but the argument is not very strong. A British semsar will, other things being equal, give the preference to British goods, for unless he transacts a certain volume of British business he will lose his semsar's certificate. But if, to take a concrete case, British hardware is more expensive and less good than Austrian hardware, Moorish merchants will import the latter and the semsar of the British hardware firm will be unable to sell the British stuff. It is not the fact of British protection which sells British goods, but the fact of their suitability for the Moorish market. The bulk of our trade in Morocco consists of Manchester cottons, and here we are firmly entrenched. Many of the big Fez houses have and have had for years their own establishments at Manchester, where there is a prosperous Moorish colony. I do not believe they will abandon Manchester and go to Lille if British protection is withdrawn from them.

In a recent memorandum (paper W 3573) it was shown that our treaty position as regards equality in matters of commerce in Morocco with the French and with all other foreign nationals was unassailable. Of course, if the French declared Morocco a French colony and tore up all previous treaties and conventions, including the Algeciras Act, British trade in Morocco would be killed. But is this a possible contingency? I do not think so. The French simply cannot flout the whole world in this way; and there are such things as arbitration treaties and an international court at The Hague, besides the Assembly of the League of Nations. If, then, we surrender our Capitulations, what safeguards are necessary and desirable?

The question is easier to put than to answer. To bind the French down in regard to import duties would be to cast doubt on the validity of the Algeciras Act, which limits such duties to 12½ per cent. We might try and make some arrangement about consumption duties, and there may be other possibilities. In any case, we should have to consult the Board of Trade and thrash out the question thoroughly. Of course, too, we should have to stipulate that ex-British protégés should for their lifetime be justiciable before the French courts—British subjects would be so justiciable automatically.

It is also worth consideration whether we should attempt to combine negotiations with the French on the subject of the Capitulations with other purely *colonial* subjects elsewhere—in fact, a general colonial clear-up. We are having a deal of trouble with the French over their refusal to grant their minimum tariff to the produce of British Crown colonies, especially tanning extract; and there is also the old-standing question of the extinction of French treaty rights in Muskat and Zanzibar. It would, I think, be quite legitimate to lump all these questions together, and the French are so keen on getting rid of our privileged position in Morocco that we might well be able to achieve some measure of success.

G. H. VILLIERS.

*Foreign Office, May* 28, 1924.

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[**W 4433/1169/28**] No. 80.

*Mr. MacDonald to Mr. Codrington (Tangier).*

(No. 230.)

*Foreign Office, June* 11, 1924.

Sir,

I TRANSMIT herewith copies of correspondence* arising out of the request of the French Government for the surrender of British capitulatory rights in the French protectorate in Morocco.

2. I shall be glad to receive any observations which you may have to offer on this question.

I am, &c.
J. RAMSAY MACDONALD.

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* Nos. 76, 78, 79, 81 and 82.



[**W 4433/1169/28**] No. 81.

*Foreign Office to Board of Trade.*

*Foreign Office, June* 11, 1924.

Sir,

I AM directed by Mr. Secretary Ramsay MacDonald to state, for the information of the Board of Trade, that the French Government have formally requested the surrender of British capitulatory rights in the French protectorate of Morocco.

2. Now that the Tangier Convention has been ratified, this demand on the part of the French Government is not unexpected; and, for the reasons set forth in the enclosed memorandum,* Mr. Ramsay MacDonald is disposed in principle to agree thereto, subject to satisfactory safeguards for British trade and commerce in Morocco.

3. Mr. Ramsay MacDonald will be glad to receive at an early date the views of the Board of Trade in regard to such safeguards. In the further Foreign Office memorandum† enclosed in the present letter the conclusion is reached that equality of treatment of British trade and commerce in Morocco with that of any other country, including France, is absolutely guaranteed by treaty. It is thus not clear what stipulations could now usefully be made by His Majesty's Government to protect British interests in future.

4. The possibility of securing some counter-concession in matters concerning British dominions and colonies has not escaped the notice of the Secretary of State, and I am to transmit copies of the letters‡ which are being addressed to the Colonial Office and India Office on this point.

I am, &c.
G. H. VILLIERS.

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[**W 4433/1169/28**] No. 82.

*Foreign Office to Colonial Office and India Office.*

*Foreign Office, June* 11, 1924.

Sir,

I AM directed by Mr. Secretary Ramsay MacDonald to state, for the information of the Secretary of State for the Colonies/Secretary of State for India, that the French Government have formally requested the surrender of British capitulatory rights in the French protectorate of Morocco.

2. Now that the Tangier Convention has been ratified by both His Majesty's Government and the French Government, this demand on the part of the latter is not unexpected; and for the reasons set forth in the enclosed memorandum* Mr. Ramsay MacDonald is disposed in principle to agree thereto, subject to satisfactory safeguards for British trade and commerce in Morocco. The Board of Trade are being consulted in regard to this matter.

3. It is worth considering whether His Majesty's Government should not demand from the French Government some concession on their part in return for the surrender of British capitulations in Morocco, and Mr. Ramsay MacDonald would be glad to learn the views of the Colonial Office/India Office on the point. The extinction of French treaty rights in Muscat and Zanzibar and more equitable tariff treatment in France of British colonial produce, such as tanning extract, have occurred to Mr. Ramsay MacDonald as suitable subjects to bring forward in this connection, and no doubt there are others.

(To Colonial Office only.)

4. Mr. Secretary Thomas will perhaps desire to inform the Dominion Governments that His Majesty's Government contemplate the surrender of British capitulatory rights in the French protectorate in Morocco, but Mr. Ramsay MacDonald requests that nothing may be said to them at present in regard to a possibility of obtaining some counter-concession from the French Government.

(To both.)

5/4. A similar letter is being addressed to the India Office/Colonial Office.

I am, &c.
G. H. VILLIERS.

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* No. 79. † No. 76. ‡ No. 82.

## (b.) Miscellaneous.

[W 3111/3111/17] No. 83.

*Mr. Robertson to Mr. MacDonald.*—(*Received April* 12.)

(No. 80.)

Sir, *Tangier, March* 28, 1924.

I HAVE the honour to transmit herewith a copy of a despatch with enclosures addressed to me by His Majesty's consul at Casablanca reporting the arrest on a British ship of two deserters from the Foreign Legion.

2. Mr. Heathcote-Smith asks for instructions on the attitude to be observed in the case of (*a*) British and (*b*) non-British deserters who may seek refuge under the British flag.

3. In this connection I would venture to recall that in the year 1908 an incident occurred in Casablanca when the German and Austrian consuls then attempted to embark some legionary deserters. In that instance the Austrian Government disavowed the action of their vice-consul, who was instructed to ask for the return of the protests he had made (*vide* Mr. White's despatch No. 274 of the 31st October, 1908), and the question as regards the action of the German consul was submitted by the two Governments to an arbitral tribunal at The Hague, the award of which tribunal was enclosed in Lord Acton's No. 28, Treaty, of the 22nd May, 1909.

I have, &c.
(For the Minister),
ALFRED IRWIN.

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Enclosure in No. 83.

*Consul Heathcote-Smith to Mr. Robertson.*

Sir, *Casablanca, January* 24, 1924.

I HAVE the honour to transmit herewith copy of a note* which I addressed yesterday to the Contrôleur civil of Casablanca in reference to an alleged incident in the removal from the steamship "Gibel-Zerjon" of two deserters from the Foreign Legion.

2. I should be grateful for instructions as to the attitude to be observed in the case of (*a*) British and (*b*) non-British deserters from the Foreign Legion who seek refuge under the British flag; for I have heard it advanced that the position of foreign "légionnaires" and the French Government is that of two parties to a private contract which is not binding on any foreign Government, and that, therefore, a legionary deserter cannot be assimilated to a criminal wanted by the judicial authorities.

3. M. Laurent gave me to understand privately that the protectorate expected the officers of British ships aboard which Foreign Legion deserters—especially if German—took refuge spontaneously to deliver them over to the French authorities. I replied he must never expect this, as British mercantile marine officers exercise no police functions in such matters.

I have, &c.
C. E. HEATHCOTE-SMITH.

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[W 3111/3111/17] No. 84.

*Mr. MacDonald to Mr. Robertson (Tangier).*

(No. 157.)

Sir, *Foreign Office, April* 29, 1924.

I HAVE carefully considered the questions raised in your despatch No. 80 of the 28th ultimo regarding the attitude to be adopted in the case of British and of non-British deserters from the French Foreign Legion who may seek refuge on a British ship in Moorish waters.

2. His Majesty's Government have always adhered to the principle that a merchant ship lying in a foreign port is subject to the local jurisdiction, except to some extent as regards questions of internal discipline; and if His Majesty's Government did not

* Not printed.



still maintain their capitulatory rights in Morocco, no doubt would exist as to the right of the French authorities to arrest deserters on a British ship. I do not think, however, that British capitulatory rights need be regarded as affecting the position of non-British deserters, as they would not in any case be subject to British jurisdiction in Morocco, and, most other countries having abandoned their capitulatory rights, they would probably be subject to no jurisdiction other than French.

3. As regards British deserters, the circumstances of the case reported in your despatch under reference are not quite the same as those of the Casablanca incident in 1908. At that time the French were in military occupation of Morocco, and their claim to arrest the deserters was primarily derived from that fact. The Arbitration Court held that French rights in this respect overrode the German rights based on the Capitulations. The finding of the court, however, is so worded that it would apply also to French rights over members of the Foreign Legion, resulting not from the fact that the French were in occupation of the country, but from the circumstance that the deserters, as members of the legion, were subject to French jurisdiction; and it might well be maintained on this ground that the French would have as much right to arrest British deserters now as they had to arrest German deserters in 1908. I think therefore that the position of British deserters may be regarded as identical with that of non-British deserters, and that His Majesty's Government may admit in both cases the right of the French authorities to arrest the deserters on board a British ship, subject to previous notification being given to His Majesty's consular officer.

4. I request that you will inform Mr. Heathcote Smith accordingly, and that you will at the same time convey to him my approval of the terms of the admirable letter which he addressed to the Contrôleur civil of Casablanca.

I am, &c.
J. RAMSAY MacDONALD.

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[W 4015/4015/28] No. 85.

*Mr. Robertson to Mr. MacDonald.*—(*Received May* 16.)

(No. 109.)

Sir, *Tangier, May* 5, 1924.

THE voyage of H.M.S. "Thistle" to the coast of Ifni, to which your despatch No. 147 of the 16th ultimo refers, seemed likely to afford a valuable and quite unexpected opportunity of obtaining information with regard to this almost unknown territory. When, therefore, Mr. Heathcote-Smith, His Majesty's consul at Casablanca, with most commendable enterprise, asked for permission to accompany the vessel, I readily granted it.

2. I now have the honour to enclose copies of a despatch in which he describes his journey, and gives a most interesting survey of the past history of the zone in question.

3. Mr. Heathcote-Smith's able despatch furnishes an amusing commentary on the proposals made recently by the Spanish Government in connection with the signature of the Tangier Convention, that the Ifni enclave should be exchanged for large tracts of territory round Ceuta and Melilla.

4. I am, however, in the circumstances, at a loss to account for Marshal Lyautey's view (reported in my despatch No. 31 of the 4th February, 1924) that this extraordinary offer was "interesting."

I have, &c.
ARNOLD ROBERTSON.

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Enclosure in No. 85.

*Consul Heathcote-Smith to Mr. Robertson.*

(No. 48.)

Sir, *Casablanca, May* 1, 1924.

I HAVE the honour to state that in accordance with your telegram of authorisation, dated the 16th April, I proceeded aboard H.M.S. "Thistle" to the coast of the Spanish enclave of Ifni and returned by Agadir, my report on this latter place forming the subject of my immediately preceding despatch.

2. I would propose to divide this relation in respect of Ifni into two parts—the first to deal with the journey itself, the second with the situation in the Ifni zone from a historical and a political point of view.

## Part I.—*The Journey to Ifni.*

3. It will be recalled that the departure of the gunboat "Thistle" to Ifni was due to the decision of the Admiralty to afford Mr. Mogg, Lloyd's salvage expert, an opportunity to inspect the wreck of the British ship "République," which had drifted ashore, after abandonment by her crew, at a spot reported to be in the vicinity of Ifni.

"Thistle" having received her sailing orders before your telegram arrived, it was only by travelling overland that I was enabled to overtake her as she was passing Mogador.

4. Opinions as to the feasibility of reaching Ifni by land were very divided. M. Roig, secretary-general of the Latecoere Air Line, who accomplished the Casablanca–Dakar flight last year, was of opinion that the Ait Ba Amran division of the Tekna tribes who inhabit the Ifni enclave would necessarily hold to ransom anyone falling into their hands failing safeguards impossible to obtain without long preparation (letters of guarantee from the religious leaders and local chiefs, hostages, &c.), and this opinion—perhaps for interested motives—was emphatically shared by all the French intelligence officers I met in the Agadir zone; indeed, most of them considered no paper guarantees would be adequate. On the other hand, the sub-agent of Lloyd's, M. Léon Corcos, a French-Jewish resident of Mogador, declared he already possessed letters of guarantee and friendship from certain local chiefs and could himself escort Mr. Mogg by land. M. Corcos is carrying on trade with Tiznit and more northerly centres in the Sous; he had, however, only once travelled even as far as Agadir, and it appeared an unwarrantable risk for an Englishman like Mr. Mogg ignorant of the local languages or customs to entrust himself to so flimsy an escort. The French authorities, however, gave permission to both Mr. Mogg and M. Corcos to travel to Agadir, leaving it to be understood that in principle they would not object to their journeying further south. The authorities would, however, almost certainly have found a pretext to render the actual departure from the French zone impossible. Mr. Mogg let himself be convinced by M. Corcos, and it was only the timely arrival of the Admiralty gunboat that stopped him from proceeding with this ill-prepared project of attempting the land route. The distances concerned were easy; there is a motor track from Agadir to Tiznit (French Intelligence Bureau—55 miles) and thence in two days' march Ifni could be reached.

"Thistle" anchored a mile off the wreck on Friday, the 18th April. The "République"—a wooden vessel of 2,400 tons with auxiliary motor—lay on the beach, completely uncovered at low tide about ½ mile south of the mouth of the river or Wad Ifni. Some 600 to 800 natives were pillaging the ship, carrying away wood and the cargo on mules, donkeys and camels. "Thistle" twice lowered a boat which owing to the heavy breakers was obliged to keep out some 600 yards off shore; the natives continued their work of destruction, to facilitate which they were burning holes in the vessel. For a while a white garment was spread on the cliff above the wreck; the intention of this action remained obscure. The garment was soon withdrawn and the looting, which had not been interrupted, continued. "Thistle's" orders being to create no incident, landing was not attempted. Apart from the identification of the vessel nothing was effected.

Mr. Mogg and I were landed at Agadir the next day, Lieutenant-Commander K. R. Farquharson, R.N., the commander of "Thistle," having afforded within the limits of his instructions every possible facility for the accomplishment of something which under the circumstances it would have been against all good sense for Mr. Mogg to have undertaken, *i.e.*, the actual inspection of the vessel.

## Part II.—*Ifni Zone.*

*Historical and Political.*

5. The strangeness of the position in the Spanish enclave of Ifni must serve as the excuse for the repetition here of certain facts, doubtless already known, but which tend to throw into greater relief the effrontery of the Spanish claim to a zone which they acquired by a conscious error little removed from fraud and which they "hold" by a piece of superb bluff; for since they legitimised by treaty their claim to Ifni they have exercised no single act of sovereignty there, they dare not land in the zone; they have in it neither troops, civilian officials nor traders, and apart from the—to them—heroic audacity of certain officers who under armed protection and after long preparation, actually were



ashore at Ifni parleying for a day or two in 1908, the Madrid Government have been content to let maps and atlases alone witness to the world their ownership of this enclave.

*Morocco and the Tribes South of the Atlas as far as Mauritania.*

6. The formation into which the inhabitants of all North-West Africa have lived from all time has been tribal. From the Mediterranean down to latitude 30—roughly Agadir and the Great Atlas, the Makhzen authority over the inhabitants, while unequal and spasmodic, always remained a potential force to be counted with. South of the Atlas from latitude 30 to latitude 27 vegetation is still to be found in a satisfying degree, and the population near the coast is sedentary rather than nomad. But thence southwards to latitude 17 when we reach the River Senegal, stretches the arid, waterless Sahara, where the scanty population is forcedly nomad. Yet over these vast areas continuing 1,000 miles to the southward, there has always been an intermittent connection with the Sultan of the north, all the tribes are Mahometan in varying degrees, and when in 1907 the great tribes of Mauritania felt themselves at a loss to withstand the growing pressure of the French, it was with a common accord that they despatched a general embassy of the chiefs to the Sultan Abd-el-Aziz at Fez.

The three main divisions are: in the north (latitude 29 to 27) from the Atlantic stretching inland the Tekna, who extend through and north, south and east of the Ifni zone. They are only semi-nomad and are of Berber origin, now partially mixed with Arab stock, but speaking both Arabic and Berber. They number about 32,000 persons, of whom 8,000 fighting men armed with modern rifles.

Between parallels 20 and 27 some 200 miles inland are to be found the Regeibat, also arabised Berbers. In their wanderings they range even as far north as the great Wad of North Mauritania, the Wad Draa (latitude 28) and south to the Trarza and Brakna tribes on the River Senegal (latitude 17). They are estimated at some 25,000 persons, of whom at least 4,000 fighting men, mostly armed with modern weapons.

Extending almost between the same parallels, though on the whole rather more to the south, is the third big confederation of tribes known as the Aulad Delim. These tribes are Arab, and with their vassals number some 6,000 persons, of whom 800 warriors, all are armed with rifles. They do no cultivation of any kind, and are the wildest of these three main divisions.

*European Attempts at Penetration.*

7. The above excessively summary statement gives the main facts about the handful of inhabitants who have lived undisturbed by outside influences for centuries, ranging unceasingly in search of food or booty over an area of above a quarter of a million square miles—under 100,000 individuals inhabiting a country two to three times greater than the British Isles, with a seaboard above 1,000 miles in length washed by Atlantic breakers and without one single really safe port.

The first settlement on this coast, which for most of its length is particularly rich in fish, was that made in 1402 by de Bethencourt, called Jean a Frenchman by the French and Juan a Spaniard by the Spanish; but as he was conqueror of the Canary Islands, it is probable that the honour of the first landing on this coast falls to Spain.

In any case, it was in 1476 that the Spanish Governor of the Canaries founded on the Mauritanian seaboard a settlement that lasted for fifty years and which he called Santa Cruz de Mar Pequena (Santa Cruz of the Little Sea). This was destroyed by the Moors in 1524 and it has never since been identified. It is to the confusion that has arisen in regard to the whereabouts of Santa Cruz of the Little Sea that the Spaniards in the 19th century forged their claim to Ifni.

In the 16th century the Portuguese took over the abandoned succession of the Spaniards and established trading stations at Rio de Oro Bay (variously called to-day Dakhla Peninsula or Villa Cisneros) (latitude 23) and at Porto Cansado (latitude 28) and were considered as the monopolisers of that coast.

It would appear that after the abandonment of those stations by the Portuguese no further settlements were attempted (though it is probable the Canary fishermen attempted to fish off the coast and occasionally had relations with the inhabitants) until from 1830 onwards, when a recrudescence of activity is recorded.

In 1830 a very enterprising sheikh called Beirouk had collected the Tekna

practically under his undisputed sovereignty and was anxious to develop the Ifni–Tekna zone by establishing commercial relations with the outside world.

An Englishman, Davidson, in 1835 landed at the mouth of the Wad Nun (also called Wad Assaka) (latitude 29), went to Glimin, the Tekna capital, and agreed to assist in opening up a suitable port for commerce. Davidson then set out for Timbuctoo for trade purposes under the escort of Tekna warriors, but was assassinated by some tribesmen called Arib. Beirouk punished this treachery and still sought for British help. H.M.S. "Scorpion" was sent by His Majesty's Government to continue the interrupted negotiations, but bad weather prevented the landing of the British lying off the Wad Nun.

Beirouk at this time, thinking that the British vice-consul at Mogador was too lukewarm in support of his ambitions, turned to the French. Two years of half-hearted negotiations ensued, in the course of which the French warship "La Malouine" carried emissaries to the Ifni coast; but doubts which arose as to Beirouk's powers and the protests of the Sultan of Morocco, combined with the inability of the French to find a suitable spot for a port, caused the pourparlers to end in a somewhat meaningless "Treaty of Friendship." Further attempts of the French—this time to land cargoes on the Tekna shore—in 1843 and 1844 were equally fruitless and encountered the veto of the French Government.

A negative reference to this coast made in 1767 leads up to the more positive statement of 1860.

In the treaty concluded on the 28th May, 1767, between Charles III, King of Spain, and Sultan Mohammed Ben Abdallah, the latter "s'abstient de délibérer au sujet de l'établissement que Sa Majesté catholique veut fonder au sud de la Rivière Nun, car elle ne peut pas se rendre responsable des malheurs qui pourraient se produire, *vu que sa souveraineté ne s'étend pas jusque-là . . .*

In the Treaty of Meknez, 1779, the same prudence is observed.

But in the Tetuan Treaty of the 26th August, 1860, the Sultan is more sure of his rights. He binds himself to cede to Spain in perpetuity "on the coast, near Santa Cruz of the Little Sea, sufficient territory for the establishment of a fishing station such as Spain possessed there formerly."

Spain, therefore, in 1767 was laying claim to land south of the Wad Nun —itself the southernmost limit of the Ifni enclave of to-day—and 100 years later is still identifying this with her former stations, which were to all appearance some 100 miles south opposite the Canary Islands.

It then had to be acknowledged by the Spaniards that they had no notion whatsoever as to the whereabouts of this Santa Cruz de Mar Pequena. Their imagination nevertheless received valuable prompting.

During the 1860 war against the Moors, the two sons of the former Tekna Chief Beirouk had made proposals of alliance to the Spaniards as they required assistance to resist the growing encroachments of the Sultan. It was therefore decided to identify Ifni with the legendary Santa Cruz de Mar Pequena, as this, though it would give the Spaniards no port, might provide them with allies. Accordingly, the Hispano-Moorish Commission which was sent out to discover Santa Cruz (which in 1767 was to have been south of the River Nun) fell into happy agreement to place it some 30 miles north of this same river.

The Spaniards appear to have landed no one at Ifni at this time except in company with the Moorish representatives of the identification commission, who travelled along the coast on the Spanish warship "Blasco-de-Garay." The Sultan in 1883 ratified all the more readily the cession of Ifni as he knew that the Spaniards would never occupy it, while for the same reason the Tekna have had reason to congratulate themselves, for they have secured a no man's land zone of 60 by 25 kilom. which remains their undisputed preserve.

Other ventures on the coast at this period led to the following results: The British established a trading station at Cape Juby (Port Victoria, or Tarfaya) (latitude 28) under a Mr. Donald Mackenzie in 1879. Left at first in peace, the settlement was finally attacked in 1888 and Mr. Mackenzie murdered—this at the instigation of the Makhzen authorities intriguing with the southern Tekna tribes. In 1895 the British abandoned the station.

In 1884 the Spaniards made a campaign at home for the reoccupation by Spain of the districts opposite the Canaries. After initial difficulties two small trading stations were established at Villa Cisneros and Cape Juby, in consequence of which, rather than as a result of the (much discredited) assertions of the Spaniards that they have explored the interior and made "treaties" with the local tribal



chieftains, a region of 109,000 square miles is to-day marked as Spanish and is given the name of Rio de Oro. By 1900 a first treaty was signed at Paris recognising Spanish rights, and by the 1904 convention a further portion of this zone (which was acquired in three steps) was apportioned to Spain. The Franco-Spanish Agreement of 1912 confirmed Spain in the whole Rio de Oro zone which she engages to cede to no other Power—whereby France assures herself the eventual succession should Spain find the upkeep too onerous.

*Recent Events in Ifni Region.*

Just at the time that the Spaniards were successfully pushing their claim to the enclave of Ifni (1880 to 1883), three Englishmen and a German, of whom the chief were Messrs. James Curtiss and George Broome, got into touch with the coast tribe of the Tekna–the Ait Amram, brought them a cargo, which they landed at the mouth of three Wads, the Ifni, the Arksees and the Masa, and built a depot on the coast marked on the map as the "Etablissements Curtiss." The Shereef of Tazeeoualt approved these efforts and exchanged "treaties" with the Englishmen. These latter then tried to float in London "The North African and Sous Trading Company." But once more the Sultan intervened, and invoking not Spain's but his own rights, obtained from the British Government a statement acknowledging his authority over the coast as far south as Cape Bojador (latitude 27).

The English employees landed at Arksees were sent up under escort to Mogador and repatriated.

In 1898 a Major Spilsbury (still living), representing what was called the Globe Venture Syndicate, who had inherited the Curtiss succession, went to the mouth of the Wad Nun in a small yacht armed with a quick-firing gun and bartered goods with the inhabitants. The sudden arrival of the Moorish coastguard vessel "Hassani," with Moorish troops aboard, put a very sudden end to this venture; the yacht fired to escape capture and fled north, and the Englishmen, who were ashore bartering goods at the time of the "Hassani's" approach, eventually reached Tangier by land under Makhzen escort.

Here again the Sultan displayed a painful neglect of the interests of Spain, the suzerain Power of the Ifni zone since 1883.

The only other landing on the Ifni coast that is known took place in 1908. The Spanish consul at Mogador, Don Gustavo Sostoa y Sthamer—now head of the Services indigènes at Tetuan—utilised his stay at Mogador to prepare matters, and obtained a warship from his Government, in which, accompanied by Spanish military and some friends of local chieftains, he approached the Ifni shore. It was with great difficulty that he induced his compatriots to land, but they finally did so and remained ashore parleying and drawing up documents for one or two days, after which they repaired aboard. Since that day no Spaniard has disembarked in the zone.

*Future of the Ifni Zone.*

There can be no doubt that the French, with their very able methods of penetration, could at any time absorb the Ifni zone, should they wish to do so. The Tekna extend towards Tiznit, where the French have an intelligence bureau, and the zone to be absorbed is small, while pacification is rendered easier by the comparatively sedentary life of the inhabitants, who for the most live in settled villages. Yet the danger of the Tekna seeking shelter, if too hard pressed, within the northern and fertile limits of the Spanish Rio de Oro zone, has to be reckoned with, for as Spain's overlordship is quite nominal, flight to that district would mean independence. It is for this reason that the French have not yet even begun to penetrate the Tekna who live in the strip of coast land that intervenes between the two Spanish zones of Ifni and Rio de Oro. Naturally, the French resent Spain's neglect of her enclave, but they will probably challenge her rights when the time is ripe on the ground of their prescription—and perhaps of their dubious title.

*Rights of Foreigners in Respect of Ifni.*

The occasion of this despatch was the wrecking of the "République" on the shores of a Spanish zone. During the war the French Paquet Line, too, lost a ship on this Atlantic seaboard. Those shipwrecked narrowly escaped slavery, and were rescued with difficulty; all ships wrecked on this coast are pillaged. I am unaware what are the obligations attaching to Spain in her enclave. It would appear,

however, that the fruition of possession should be counter-balanced by certain obligations; among which would be that either of affording adequate protection to human beings or vessels cast on to her territory, or when unable to give this, of providing a suitable compensation.

I have, &c.
C. E. HEATHCOTE-SMITH.

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[W 4016/4016/28] No. 86.

*Mr. Robertson to Mr. MacDonald.*—(*Received May* 16.)

(No. 110.)
Sir, *Tangier, May* 5, 1924.

WITH reference to my immediately preceding despatch, I have the honour to transmit herewith an interesting despatch from Mr. Heathcote-Smith, His Majesty's consul at Casablanca, in which he describes his recent visit to Agadir.

2. The present state of affairs at this "mysterious" port, and the reasons underlying the desire of the French authorities to make the mystery, are so fully dealt with by Mr. Heathcote-Smith that further comment by me is superfluous. I would only desire to draw your attention to the interesting and able manner in which Mr. Heathcote-Smith has compiled this very valuable report.

3. I have forwarded a copy of this despatch and its enclosure to the D.N.I.O., Gibraltar.

I have, &c.
ARNOLD ROBERTSON.

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Enclosure in No. 86.

*Consul Heathcote-Smith to Mr. Robertson.*

(No. 47.)
Sir, *Casablanca, April* 26, 1924.

I HAVE the honour to furnish the following report on Agadir, which I visited from the 19th to 22nd April:—

I would submit that no mystery exists in the forbidden zone of Agadir other than that attaching in every mind to all that lies beyond a closed door. I propose first to describe the town, port and surrounding country as they are to-day, and then briefly to examine the reasons which have dominated the French in their decision to postpone the opening of the zone to commerce. In this latter connection, I would refer to my despatch No. 33 of the 26th February, 1923.

When I informed the Cabinet diplomatique that H.M.S. "Thistle," on her return north from Ifni (see my immediately following despatch), wished to land me at Agadir, the "chef du cabinet diplomatique" at first demurred, stating that he did not know if the gunboat would be allowed to enter the bay; later he telephoned that authorisation was granted, thereby instancing once more the policy of the protectorate to render all access to this port a matter of special favour and negotiation. A British civilian who accompanied me was made to sign a printed form engaging himself to enter into no land or other commercial transactions when in the zone and to travel within it only by special authorisation.

*Present Development of Agadir and its Zone.*

The notes now given are intended solely to bring up to date the full information contained in the "Handbook of Morocco and the Spanish Sahara; September 1919; Naval Staff, Intelligence Department."

*Town and Fortress of Agadir.*

In this old fortress, which crowns the sugar-loaf hill of Agadir, no alteration has taken place, except the addition of a small hospital and dispensary for the natives, which are under a French military doctor.

*Town of Founti.*

Founti skirts the foot of the sugar-loaf forming Agadir; its one long road, facing the sea, presents a good appearance with its stone whitewashed two-storied houses and villas, occupied by the military and intelligence services and certain leading



Moors. Only the villa of the G.O.C., with its small garden, has any pretensions to architecture. Just above this one road, and reached by precipitous paths, are the mainly wooden-huts housing officers and their families. Half a mile to the south, where the country is flat, in the site of the new French town, but apart from a small school for the forty-odd children of the French military stationed in the zone, there are but four or five villas built, all inhabited by officials.

*Port.*

Previous information exaggerated the works carried out. To the south, the 30-metre-long jetty is barely lapped by the waves at mean tide, and to the north the breakwater is not more than 150 metres long, of which at high tide 80 metres may be washed by the sea, at low tide 30 metres. Those landing from shallow row-boats have to be carried ashore, except at high tide, when the weather is calm, and then the steps of the jetty can be approached. No lighterage port exists. There is no present intention of extending this north breakwater; the original plan of the 450-metre sea wall is in abeyance. The information previously given as to marine warehouses and the presence of two cranes on the breakwater is correct, but it can be stated that no serious step of any kind whatsoever is being taken to equip Agadir port for even a modest commercial rôle.

*Water Supply.*

There is an excellent fresh-water supply from a source in the town of Founti, and running water is laid on in the houses there, but the head is insufficient to supply the town which crowns the fortress.

*Population.*

The figures previously given hold good. The inhabitants of Agadir and Founti together number about 1,000. There are no French civilians.

*Roads.*

(*a.*) There is an excellent road from Founti to the top of the hill, Agadir, and along the shore for 1 mile.

(*b.*) Agadir to Mogador—170 to 180 kilom. Apart from a track ("piste"), difficult, but possible, for motor traffic, and mainly along the shore for the first 80 kilom., there is a metalled road now in course of construction, and several hundreds of workers were seen at different sections of the route. From 60 to 80 kilom. have been completed, and very many of the numerous culverts necessary have been constructed. At certain points for stretches of a few kilometres the metalled road is open to traffic.

(*c.*) "Pistes" passable in nearly all weathers for motor traffic join up Agadir with Tiznit, Taroudant, &c., but no other made roads exist.

*Bridges.*

The first bridge of importance in the district is now being thrown by the military across the Sous River, 2 kilom. from Imsgane. The material is being supplied by the French Ministry of War from surplus war stock, and thus costs the protectorate nothing. The river is 35 metres wide at the site of the bridge, which I visited. Access to the country south of the Sous will be vastly facilitated by this bridge.

*Military.*

There is a battalion of Senegalese troops stationed at Agadir; the only French soldiers are the officers and some individuals in the technical units—the "genie," wireless, &c.

*Defences.*

Around the town are French block-houses, which have long since been abandoned owing to the tranquillity of the zone. There are two guns [? 15 cm.] on concrete emplacements, facing seawards, half-way up the hillside crowned by the Agadir fortress.

*Aviation.*

Construction of three large hangars is proceeding at the aviation ground some 7 kilom. south of Agadir on the Imsgane road, but there were no aeroplanes there when I visited them.

*Intelligence Centres.*

The zone is dotted with intelligence offices. Imsgane and Dar Gellouli (which I visited), Tiznit, Taroudant and many other posts all have their quota of one, two or more intelligence officers, to whom normally no troops are attached, the country being held by the presence of the French forces north of the Atlas and at Agadir, and by and through the co-operation of the Grand Kaids of Marrakesh.

*Disarmament.*

In the district immediately around Agadir the natives have been disarmed; in the regions further afield they have been allowed to retain their arms, and carry rifles, even when visiting the Agadir district. In all such questions the policy adopted is the oil-stain method, and the French cover slowly and imperceptibly, but never ceasingly, an ever-increasing area.

*Telegraphic Communication.*

While most of the intelligence centres and Agadir are joined by telephone and telegraph, it is significant that there is no direct communication with Mogador, which can only be reached by retransmission of messages from Marrakesh (the military headquarters, which include Agadir in its command). It would appear to be the clear purpose of the French to emphasise by every means the separateness of the forbidden zone from the remainder of the protectorate and obviate possible civilian misuse of direct communication with Mogador.

*Dissidence.*

The district between Mogador and Agadir, which at some sections of the road shows signs of prosperous villages, is called "dissident." It would appear that a small fraction of the Ida Ou Tanant have not actually made their submission; on the other hand, they have steadily refrained for years from any form of attack on the French; opportunities for marauding raids abound—the workers on the road and the daily passage of unescorted officers provide these. I have little or no doubt that active work by the very able corps of intelligence officers would bring the irreconcilables to the fold within a few months if really desired. The truce which exists suits French policy, and the largely imaginary fiction of dissidence is useful in affording an excellent reason for forbidding access to Agadir.

*Reasons for the Agadir Policy.*

My despatch No. 33 of the 26th February, 1923, quoted five reasons stated by General Daugan, G.O.C., Marrakesh, in explanation of the decision to postpone the raising of the ban against free intercourse with Agadir. These were:—

(i.) Partial insecurity of the zone.
(ii.) Real estate ownership disputes.
(iii.) Lack of metalled roads.
(iv.) Absence of port facilities.
(v.) Inadequate arrangements for distribution of the water supply.

To these reasons may be added the probable desire of the protectorate to prospect the zone for its mineral wealth at leisure and by its own technical experts. Before the Agadir incident in 1911 the German Mannesmann Brothers had been prospecting in the Agadir–Sous zone, and possibly for purposes of justification the mineral resources of the region were represented as varied and vast. Nothing proving the truth of these assertions is yet known. This, however, leaves untouched the fact that the open door should be the régime of Morocco. But the French authorities, spuriously invoking the interests of the Makhzen, enacted by their dahir of the 27th January, 1920, that the exploitation of the almost limitless phosphate beds discovered in the protectorate should be a Government monopoly. This action met with no effectual opposition on the part of the foreign Governments potentially concerned, and it may be assumed that, should the vaunted mineral resources of the Sous prove to include any deposits of exceptional value, France would endeavour to repeat her monopolising policy in regard to them, and this the more easily if the discoveries be made in a forbidden zone by Government agency.

This consideration and the five others enumerated may be urged as contributory causes of the attitude of the protectorate towards Agadir. It may well be, however,



that the dominating reasons lie deeper. Why open up further land for colonisation when that already available is crying out for settlers? Why increase military responsibilities without commensurate advantages? Why facilitate to others access to the Spanish zones of influence, their future being so problematic? And, finally, why hasten on the almost certain decline of Mogador for the sake of a handful of gamblers?

Briefly, to develop these arguments: The protectorate, with a budget that is in effect unsound, have already opened up for colonisation practically the whole of the zone lying between the Atlas Mountains and the seaboard. At seven points expensive ports are being built; the country is radiated by excellent roads; their construction was onerous and their upkeep is scarcely less so. Railways and other public works are following in the wake. Colonists do not. These latter restrict their activities to the Casablanca and Rabat zones. The real settlers in the Marrakesh and Saffi zones may be counted on the fingers, and the hinterland of Mogador holds but two. Yet fertile land awaiting settlement is to be found in abundance.

The French, therefore, have no present incentive to open up Agadir to satisfy their countrymen's inadequate colonising aspirations.

Looked at from a military point of view, the advent of the presence of settlers in the Agadir district would necessitate a closer patrolling and policing than have been entailed hitherto. By posting up the warning "forbidden zone" the protectorate is at once left with a free hand to regulate their own pace of absorption.

It will be remembered that the French in Morocco, through the medium of their local press, their chambers of commerce and other institutions, are unpleasantly vocal and make known their grievances to Paris when Rabat turns a deaf ear. Were Agadir open, it would prove undoubtedly a source of violent irritation; the conflicting land claims alone total many millions of francs; the present policy, by its motto "military necessity," effectually silences all arguments.

It is probable that a further factor enters the calculations of the French authorities.

Just beyond the Sous River to the south lies the so-called Spanish enclave of Ifni, and, again, further south stretches a second Spanish zone, Rio de Oro. As the influence of Spain is non-existent in the first of the zones and very remote in the second, France may have a double purpose in view: positively, to work herself, in later years, to penetrate these zones through the influence of the chiefs who travel between them and the Sous (to Tiznit, Taroudant and elsewhere), and, negatively, not to provide an easy jumping-off ground for the Spaniards for these same purposes.

The projected Casablanca–Dakar air service of 1925 enhances considerably the importance of these zones for France.

Finally, the sole individuals who long to see Agadir opened are those who, having speculated in land there, wish to resell it—at a profit—to others. Prices paid originally were often so high that commercial exploitation of land purchased would entail frequently a dead loss. Now at least 75 per cent. of these land gamblers are Jews of Mogador.

As it is calculated on all sides that the opening of Agadir should deprive Mogador—her more northerly neighbour—of much of her Sous trade and aggravate her decline, the protectorate may well hesitate to harm the northern town as a whole for the sake of a few of its speculating ornaments.

If later economic developments in the Sous are such as to render the opening of Agadir a really profitable move, the French may waive other considerations, but Sous trade can still follow the longer channels without much detriment for some years to come.

I have, &c.
C. E. HEATHCOTE-SMITH.

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[W 5112/5112/28] No. 87.

*Mr. Codrington to Mr. MacDonald.*—(*Received June* 20.)

(No. 157.)
*Tangier, June* 12, 1924.

Sir,

I HAVE the honour to transmit herewith copy of a despatch from His Majesty's consul at Casablanca, enclosing a report from Mr. Vice-Consul Were, regarding the dismissal of the Grand Kaid El Haj Tayeb Goundafi.

2. In a memorandum enclosed in Mr. Robertson's despatch No. 96 of the 13th March, 1923, Mr. Heathcote-Smith expressed the opinion that a "gentle crumbling of the kaids'

power before the erosive action of the French advance" might be expected. The dismissal of the Goundafi may perhaps be considered the first stage in this process. It is probable that the French would have continued to wink at the cruelties and extortion practised by him, and even have ignored the discourtesy which he has shown to Marshal Lyautey, had not his actions brought him into conflict with the French colonists who had properties or rights in the territories administered by him.

3. That eventually the régime of the grand kaids must come to an end there can be no doubt; but I do not think that there is any likelihood of the French making any serious attempt to curtail the power exercised by Hadj Thami-el-Glaoui and the remaining kaids outside Marrakesh for the present. It must be borne in mind not only that the Goundafi was, perhaps, the most cruel of the kaids, but also that territory he administered was comparatively close to Marrakesh. To abolish the overlordship of the Goundafi over a comparatively small area between the domains of M'Tougi and El Glaoui is a very simple matter compared to the problem which the French must ultimately face of curtailing the powers of the Glaoui and his family.

4. Glaoui, however, is undoubtedly causing the French more and more concern. I have every reason to believe that the rumours alluded to by Mr. Heathcote-Smith in his despatch transmitted herewith, that all was not well between the Glaoui and the protectorate authorities, are true. Apart from the many petty annoyances which the Glaoui has recently been causing to the local French authorities, there is no doubt that there is very considerable coolness between him and the Sultan, and that the latter is inclined to regard with jealousy the power and riches at the command of his subordinate. When the Sultan recently took up his residence at Marrakesh, El Ayadi, by a great show of deference and hospitality, obtained a high place in His Majesty's favour, while the Glaoui was made to wait in an ante-room while others less illustrious were received into the Royal presence. Exactly how bad the relations between the two became it is impossible to say, but there is no doubt that the tension was considerable.

5. The difficulties to be faced by the French if they attempt to curtail the power of the Glaoui in the mountains are very considerable, and are appreciated quite as clearly by him as by the French authorities. It is largely due to him that peace is maintained over an enormous tract of difficult mountain country and that the French can dispense almost entirely with a military garrison. On the other hand, his extravagance is almost unbelievable. At the present moment he is engaged in constructing at least four very large country houses, each of which is decorated without any regard for cost. He has also purchased the whole of the property formerly belonging to M. Perdicaris at Tangier for a sum of over 2 million francs, and is about to embark on fairly extensive structural alterations to the house. He has recently largely increased his already enormous holding of land, and is the owner of almost all the best arable land around Marrakesh, as well as of extensive estates in the foothills and in the mountains. His extortion, which is shameless, earns him the hatred of many of his subjects, but he chooses his underlings with care and is naturally well served by those who share in the plunder. But for the present and, so far as can be seen for some time to come, he is indispensable to the French and he knows it; and, though his powers as Governor of Marrakesh may be slightly modified as time goes on, there is little chance of the French authorities being in a position to make any serious attempt on his position as overlord of the mountain tribes.

I have, &c.
WILLIAM CODRINGTON.

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Enclosure 1 in No. 87.

*Consul Heathcote-Smith to Mr Codrington.*

(No. 58.)

Sir, *Casablanca, May* 29, 1924.

I HAVE the honour to transmit herewith copy of a confidential report received from Mr. Vice-Consul Were on the general policy of the protectorate *vis-à-vis* the grand kaids in Southern Morocco.

Mr. Were's very interesting report on the changes contemplated would appear to coincide somewhat with the rumours, or rather "soko" talk, current here some little while back, that all was not well between the Kaid Hadj Thami-el-Glaoui and the protectorate authorities.

Southern Morocco was kept in hand in the late Moulay Hassan's reign by the system of small kaidships perpetually at war with each other. This system served its purpose in keeping the balance of power in the hands of the Makhzen whenever it suited the latter to assert its authority, and was, moreover, productive of revenue as the bidding for posts was open to competition. It was not, however, conducive to good government and the country was kept in a continual turmoil.



Under the protectorate it is doubtful whether the above system of small kaidships will work smoothly as the aims of France are different from those of the old Sultans. France aims at opening up the country to commerce and civilisation, whereas the Sultans in the past aimed at keeping European civilisation and influence outside these regions, and it is chiefly due to the military character of the grand kaids that France has been enabled to keep her hold over these turbulent tribes in the south with a minimum of foreign troops.

This is the conclusion one is led to in reading Mr. Were's report.

I have, &c.
(For Consul Heathcote-Smith),
R. H. BROOME.

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Enclosure 2 in No. 87.

*Vice-Consul Were to Consul Heathcote-Smith (Casablanca).*

(No. 16. Confidential.)

Sir, *Marrakesh, May* 26, 1924.

I HAVE the honour to report that in an official communiqué dated the 30th April General Daugan, commanding the Marrakesh district, announces the redistribution as follows of the powers hitherto exercised by the Grand Kaid El-Haj Tayeb Goundafi.

Si Tayeb-ben-el-Haj Addi is appointed Kaid of the Guedmioua.

Si Lahssen-ben-Lahoussine Andjai is appointed Kaid of the Ouzguita.

Si Lhassen-ben-Haj Tayeb Goundafi, son of the Grand Kaid, is appointed Kaid of the Goundafa, the Ait Semmeg and Western Ounein, including the Ait Mimoun, Afra and Tamterga.

Si-el-Haj Tayeb Goundafi retains, however, the honorary rank of grand kaid of all these tribes.

2. The communiqué sets forth that these changes are introduced with a view to facilitating the administration of the country, and that the Government of the protectorate has in no way forgotten the eminent services rendered by Goundafi in the past, particularly as representative of the Makhzen at Tiznit, in thus affording him the opportunity of taking a well-earned rest.

3. Goundafi comes of an ancient and powerful Berber clan. As a young man he was attached to the court of Moulay Hassan, and there contrived to obtain for his father the command of the N'Fis valley. In the Sultan's service he distinguished himself in numerous expeditions, and on his father's death received the headship of several other tribes. Under Moulay Abd-el-Aziz his power reached its zenith, to decline somewhat under Moulay Hafid. In 1912 he for a time threw in his lot with the Pretender El-Hiba, but soon rallied to the support of the French, and submitted to Moulay Yussuf, and from that time on he associated himself with his former rivals, the Glaoui and the M'Tougui, in the pacification of Southern Morocco.

4. His dismissal, for that in effect is the correct term for the measures now taken, has for some time been on the *tapis*. He has of late treated the French authorities with scant courtesy, particularly so at the time of President Millerand's visit to Marrakesh, and again on the occasion of a visit by Marshal Lyautey. On both occasions Goundafi alone of the grand kaids failed to pay his respects to the distinguished visitors, and neglected to furnish any explanation of his omission. He has, moreover, for some time been in the habit of placing difficulties in the way of colonists holding concessions in the territory under his control, and it was a particularly glaring case of this kind that brought matters to a head. His age (at 64 he is a comparatively old man, for Morocco) serves as the excuse for his retirement.

5. This, then, is the first step towards a new régime in Southern Morocco—or rather towards a return to an earlier régime—the dispersal of authority amongst a number of small kaids as opposed to its concentration in the hands of four grand kaids, a system which had its inception in the later years of Moulay Hassan's reign, and grew to its present dimensions, as it would certainly never have been allowed to grow by any independent Moorish Sultan, during the European War, when it was necessary for France at all costs to ensure that Southern Morocco should remain peaceful. That

end was secured, not to put too fine a point upon it, by buying the allegiance of the four grand kaids by a licence to rob, murder and oppress to their hearts' desire within the limits of the territories placed under their control. The protected must suffer for the protectors, until the war was over, when France would once again turn her attention to improving the lot of the Sultan's subjects.

6. The war, it is true, has now been over for five years, and yet this is the first change made in the status of these licensed robbers. On the other hand, the system has worked well enough. The Glaoui, though unable to pay his debts, has acquired, in that mysterious manner only met with in Morocco, houses and properties without end, and Goundafi has amassed an enormous store of Hassani silver, but all this has been at the expense of their vassals, who, being used to such treatment from time immemorial, have not complained or have lacked the means to make their complaints heard. European interests in Southern Morocco have been small, and the kaids have had the sense to avoid falling foul of such as existed.

7. Now circumstances have changed. French colonists are penetrating into the Atlas, complaints of obstruction lodged against the grand kaids not only reach the ears of the protectorate authorities, they are re-echoed in France, and it is not forgotten that it is on France that Morocco is still economically dependent.

8. Action must therefore be taken, and that it is Goundafi who is the first to be dealt with is merely due to accident, for he is by no means the greatest extortioner of the four. M'Tougui will probably be the next to go, the excuse in his case being again his advanced age. Glaoui will follow. He is prepared for it, but he has, in Marshal Lyautey, a sincere friend, and it is probable that his hour will come only when the marshal finally abandons Morocco. There remains El Ayadi, Kaid of the Rehamna, the only Arab of the four—a former highwayman, strong, ruthless and ambitious. He has for some time coveted the Bashaship of Marrakesh, and has attempted, without success, to outbid Glaoui for the office. He too will go in due course, but it is probable that the authorities will deem it wise to go about his dismissal more slowly and circumspectly than in the case of his compeers.

9. There appear to be three principal factors in the political situation in French Morocco to-day—two of them permanent, the third, unfortunately for France, evanescent and likely to disappear in the very near future.

10. The first of these factors is the undeniable ability of the French, beyond all other European nations, to ingratiate themselves with, to make themselves one with, Oriental peoples, by encouraging them to consider themselves the equals of any French citizen. A certain loss of prestige for French men and women naturally results, but the dangers inherent in this France appears to ignore, or to be confident of her ability to surmount. That the effect of this rapprochement on the Oriental people concerned is bad, given the tendency of the Orient always to absorb the vices of the West rather than to acquire its virtues, is, politically, beside the point; the hold of the Western nation is not thereby weakened—is, indeed, strengthened—as the Oriental merges his individuality in that of his conqueror or protector.

11. The second is the inability of France to produce an honest civil service for the administration of her colonies. Corruption is rampant, as French colonists themselves complain, though they are not the chief sufferers, throughout Morocco, and, though it may be argued that the Moor is no worse off now than in the days of Moorish independence, it must not be forgotten that nations have ever preferred oppression by their own independent rulers to a measure of justice under foreign control. It is true that hitherto, by the judicious use of her ability to attract, as described above, France has avoided trouble in her other African possessions, but in Morocco, and especially in the Atlas, she has to deal with a people of a sterner moral fibre than she has before encountered.

12. The third factor is the personal prestige of Marshal Lyautey, of which it is impossible to exaggerate the importance. The marshal's influence is everywhere supreme: he rules the army and the civil service, his word is law in native, as in European, circles. But the marshal's career is drawing to a close; he must within the next few years bid farewell to Morocco, and when he goes, although his memory and the lessons he has inculcated will remain fresh in the minds of those who have been associated with him for a time, a new generation must perforce spring up, to whom he will be but a name.

13. It is then that the policy of dividing Southern Morocco in order to rule it, of which Goundafi's dismissal is the first tangible sign, will be put to the test. Glaoui, Goundafi, M'Tougui, El Ayadi know—have long known—the marshal, and their knowledge has given them a wholesome fear and respect for him. But the many



small kaids who are to take the place, in time, of these four giants will of necessity have a lesser knowledge of him, and consequently less respect for his principles of government. With the marshal gone, who is to inspire them? Can France produce another administrator of his calibre? It is more than doubtful. Such men are not produced in every century, and France has never been prolific in great administrators. So one is forced to the conclusion that the years following the marshal's retirement (how many it is difficult to say) must form a period of transition from a régime of dictatorship to one of decentralised government under an efficient and honest civil service, of which not even the nucleus at present exists; and on France's ability to create such a service depends the success of her efforts in this region.

I have, &c.

C. A. W. WERE.

## CHAPTER III.—SPANISH ZONE.

### (a.) Military Operations.

[W 2348/783/28] No. 88.

*Sir H. Rumbold to Mr. MacDonald.—(Received March 18.)*

(No 166.)

*Madrid, March 6, 1924.*

Sir,

ALMOST immediately after the publication of the finding of the Supreme Court which had met to try General Cavalcanti and three infantry officers in connection with the mismanagement of the operations for the relief of Tizzi (see my despatch No. 144 of the 26th February) the resignation of General Aguilera, president of the court in question, was announced. The general informed the journalists that he had resigned on account of ill-health and over-work, but there is some reason to suppose that the real cause was annoyance at the acquittal of General Cavalcanti. The latter has just been appointed to command the 1st cavalry division.

2. The Directorate issued an official note yesterday regarding General Aguilera's resignation to the effect that, in view of the reasons adduced by General Aguilera, the Directorate had no alternative but to accept it, and that it had been decided to appoint General Weyler in his place. The note terminated by saying that, whilst the Supreme Council of War and Marine had displayed increasing activity in dealing with various matters, it was obvious that the public was above all preoccupied with the liquidation of the questions arising out of the military events of 1921.

3. I understand that in recent times of crisis it has been the practice of Spanish Governments to make use of General Weyler in order to tranquillise public opinion in this country. Thus this veteran general was sent to inspect the front in Morocco not so long ago, and has now been charged with the direction of the Supreme Council of War and Marine.

4. On reading the two communiqués about the situation in Morocco, of which I sent a brief summary in my telegram No. 31, I derived the impression that a more serious state of affairs had arisen there than the Government were willing to admit.

5. The "Sol" of yesterday came out with a remarkably candid leading article, which has passed the censorship, on the subject of the two communiqués in question.

6. In one day, it says, the Directorate have issued two very important notes in regard to Morocco. In the first of these it was stated that there had been nothing but an affair of outposts; in the second, that later information was of a somewhat more serious nature, and that one brigade had been embarked and two others were being got ready. In the first note the Directorate wanted to "correct misapprehensions" and to deny the "recent fantastic rumours," and in the latter to "let the public know the truth without delay," and to call upon all good citizens to chastise such alarmists and defeatists as might unhappily exist. This is one of those cases which show the need for greater liberty of the press. Exaggeration and alarm flourish under the censorship, the mere existence of which undermines the confidence of the public in what the newspapers say, for, however closely they adhere to the "strict truth of the matter," it is always thought that there is something more which they are not allowed to say.

7. The Directorate, the article continues, have no doubt been perfectly frank, but it cannot be denied that one communiqué underlines the other, and it would have been better to begin with the second, since everyone was not aware of the fantastic rumours to which the first communiqué alluded. The nation are deeply moved by these announcements, as they had come to forget the very existence of an African problem, lulled no doubt by the feeling that, since affairs on both sides of the straits were under a single control, and no longer in several hands as in the past, the military side of the question would give no further cause for anxiety. It seems, however, that the enemy continues to be restless, and when least expected something happens to recall the fact that Spain's most serious problem lies overseas.

8. The impression produced is all the more disagreeable because the Moors do not usually show activity so early in the year. Steps must of course at once be taken to ensure that this premature activity does not have serious ulterior consequences, but we shall not be completely satisfied until the problem is fully and finally resolved. The Directorate promised in their first manifesto that it should be so settled, and it is their duty to fulfil that promise and ours to see that they do so. Nothing would be worse



than that matters should revert to the situation prevailing under the old régime, and without the same excuse of divided responsibility. So far the Directorate have not met with serious opposition in the accomplishment of their task, but henceforward they will have to employ against an apparently invincible enemy, not only all their professional gifts, but also all their political ability, since the first note speaks of the necessity for the pacific extension of Spanish influence over the Cabiles of Gomara and the Central Rif.

9. The "Sol" returns to the subject in a front page article to-day, in which it expresses pretty clearly the opinion that the Directorate are to blame for the present situation, and that they would have been better advised to try to solve the Morocco problem, with which they were specially competent to deal, rather than concentrate as they have done on home politics.

10. Morocco, it says, had been forgotten. It had been for years the central problem, it was the cause of the budgetary deficit and the grave of many political reputations, and the origin of the present political situation may no doubt be traced to it. But we had begun to think that we could give up all our time to questions of internal reform, and the military men now in power have been devoting all their energies to the solution of problems with which they are less familiar. The Moroccan question has now again come suddenly into prominence, and, just when the Directorate are about to issue a new municipal law, it once more clamours for attention.

11. The Directorate had themselves admitted in their first note that the trouble is due to the difficulty of maintaining communications with the advanced post of Tizzi Assa. A year ago there was fighting every day at Tizzi Assa, and every convoy meant a battle. The press had begged for the adoption of a better line, and a report on the subject had been made by a special commission sent out by the General Staff. Yet fighting had again taken place at Tizzi Assa, and the lines of communication are still as inconvenient as they were this time last year.

I have, &c.
HORACE RUMBOLD.

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[W 2351/783/28] No. 89.

*Sir H. Rumbold to Mr. MacDonald.—(Received March 18.)*

(No. 177.)

*Madrid, March 11, 1924.*

Sir,

THE military operations foreshadowed in my despatch No. 168 of the 6th March took place on the 7th instant, and are described as having been a success. The Moorish losses are given as 120 killed and 70 wounded, whilst the Spaniards admit some 150 casualties. The high proportion of Moorish killed to wounded indicates that the rival forces came to close quarters. These operations took place in the region of Tizzi-Assa, which, in some respects, may be compared to the Ypres salient.

General Primo de Rivera came to the Embassy yesterday and alluded to a letter he had written to me earlier in the day as the result of a request made to him by the assistant military attaché for permission to visit the Spanish zone in Morocco. In his letter the general deprecated any such visit, on the ground that the bad weather would make excursions to the different positions very difficult. He added that certain operations would take place in the spring which would be more important and interesting to follow.

I told General Primo de Rivera that I had just seen a well-known English correspondent, who had informed me that he had been sent out by his paper to enquire into the truth of the alarmist telegrams recently despatched to some of the English newspapers regarding the situation in Morocco. I enquired of the general whether he had noticed a telegram which I had seen in the "Manchester Guardian" to the effect that Melilla was in flames. The general replied that he had seen the telegram in question, which he characterised as absurd. He stated that the recent operations had been a success, and that there was no foundation for these alarmist rumours. He announced his intention of receiving the correspondent in question as soon as possible, and of doing what he could to counteract the effect produced by these sensational telegrams.

The Directorate, who are evidently rather nettled by the nature of the telegrams in question, published a communiqué yesterday emphasising the patriotic attitude of the Spanish press, which contrasted favourably with that of the foreign press. The latter had lent itself to the spreading of absurd and tendencious reports. It must be

admitted, however, that the Directorate are themselves partly to blame in this matter. The military censorship is very strict, and the nature of the communiqués enclosed in my despatch No. 168 of the 6th instant was such as to lead the public to suppose that serious events were taking place in Morocco.

The interest of the above-mentioned communiqué lies in a passage which refers to the fall in the value of the peseta, whilst Government funds, industrial and railway securities remain steady, and the gold reserve is more than sufficient to guarantee the note issue. The decline of the peseta is attributed to politico-financial manœuvres similar to those to which other countries have been subjected, and of which Spain is now the victim. This is, of course, a direct allusion to what is happening in France.

The Spanish press yesterday reproduced an article from the "Temps" insinuating that the alarmist telegrams were sent by wireless by a small British ship, and that the fall of the peseta coincided in a strange manner with the despatch of these telegrams. In other words, the "Temps" implies that the British are waging a war on the peseta. A leading article in the "Sol" of to-day's date denounces the Exchange Telegraph Agency and the "Daily Mail" as being responsible for the false information about the operations in Morocco supplied to the British public, and refers in this connection to the persistency with which the latter paper pleads the cause of France in England. Whilst not rejecting the explanation given by the "Temps," the "Sol" considers it possible that the attacks on the peseta are the result of the manœuvres of a foreign Government which does not wish well to Spain, or thinks that it can provide for its own safety by pursuing a policy of undermining the safety of its neighbour. This is an obvious hit at France. The moral drawn by the "Sol" is that Spain should have a good news or telegraphic agency with which to protect herself against the calumnies of foreign agencies.

I have, &c.
HORACE RUMBOLD.

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[W 3909/783/28] No. 90.

*Sir H. Rumbold to Mr. MacDonald.—(Received May 13.)*

(No. 290. Confidential.)

Sir, *Madrid, May 8, 1924.*

GENERAL PRIMO DE RIVERA dined at this Embassy last night, and I had a long conversation with him about Morocco in the course of the evening.

2. The general volunteered the information, which, he said, had not yet been given out to the public, that there had been some heavy fighting all day yesterday in the neighbourhood of Sidi-Messaud. The Spaniards had discovered a large concentration of Moors in that region, and, according to his latest information, the Spanish forces had already had sixty casualties, including two officers. They had inflicted heavy losses on the Moors. The fighting was continuing, and it was evident to me that the general was very much preoccupied with the situation.

3. General Primo de Rivera then recapitulated for my benefit his own attitude in the past in regard to the Morocco question. He said that he had served three times in Morocco, and that when he left on the last occasion in 1917 he had been appointed Military Governor of the Fort of Cadiz. After taking over his duties there he had on one occasion delivered an address pointing out that Spain ought to liquidate her adventure in Morocco, which was draining her resources and strength. The Government of the day had thereupon relieved him of his post. Four years later, *i.e.*, in 1921, the general had been appointed Captain-General of Madrid. He had again taken the opportunity of publicly proclaiming his conviction that Spain, in her own interests, must get rid of the Morocco problem. He was again relieved of his post, but was eventually appointed Captain-General of Barcelona. He assumed that I was well aware of the circumstances in which he had established the Military Directorate.

4. The general then affirmed with great vehemence that it was absolutely essential for Spain to cut her losses in Morocco. The campaign there had gone on for fifteen years, and had cost the Spanish nation some 5,000 million pesetas, as well as, I understood him to say, some 40,000 casualties. This could not go on, for, if it did, it would, as he expressed it, lead to the suicide of Spain. He said that there was a rather prevalent feeling in the country that the French were at the back of the resistance and aggression of the Moors, but he had no proof whatever that this was the case, nor did he believe it for one minute. Any action of the kind on the part of the French would inevitably recoil on their own heads.



5. I asked General Primo de Rivera how he proposed to solve the Morocco problem. He replied that he hoped that the military measures which the Directorate were going to take would lead to the submission of the Moors within the next two or three months. But if the Directorate were disappointed in their expectations they would have no alternative but to suggest that Great Britain, France and Spain should together take in hand the settlement of the question. I said that it seemed to me that the position in the Spanish zone of Morocco was one of stalemate. The Moors could not turn the Spanish army out of the zone held by it, and, on the other hand, the Spaniards did not seem inclined to extend their operations. Was it not possible, therefore, to try to come to an arrangement with Abd-el-Krim? To this General Primo de Rivera replied that the Moors were a very tricky people to deal with. If the worst came to the worst the Spaniards could always withdraw to Ceuta and Melilla and content themselves with holding these two places. He then sketched a scheme of international administration which might be applied to the Spanish zone under, perhaps, a Swiss administrator with French and British assistance. I did not press him to elaborate the details of this scheme, nor ask what kind of assistance he had in view.

6. The mention of Ceuta led by an easy transition to the question of whether Great Britain might be prepared to exchange Gibraltar for Ceuta. The general said that Gibraltar was useless to us from a military point of view. The fortress had to draw its provisions and water-supply from Spain. On the other hand, we should have much more elbow-room at Ceuta, and would be able to command the Straits equally well from that point. I suggested that he should bear in mind two arguments which, in my opinion, rendered this suggestion impracticable. It might be a fact that Gibraltar was no longer of much account from a military point of view, but it had such an historical and sentimental value for the British nation that I could not conceive any Government consenting to surrender it in exchange for Ceuta. He must also remember that the responsibilities of the British Empire were already very heavy, and that any extension of these responsibilities such as would inevitably be involved by taking over Ceuta in exchange for Gibraltar would, I felt sure, be opposed by every section of British public opinion.

7. At the end of this conversation General Primo de Rivera emphasised the fact that he had not been speaking to me in his official capacity, but that he had wished to discuss this question in a frank and informal manner. I said that I quite understood this, and that I also had been expressing personal opinions.

I have, &c.
HORACE RUMBOLD.

P.S.—*May 9.*—Since writing the above the Directorate have released the news of the operations in the region of Sidi-Messaud. An official communiqué issued yesterday gives the composition of the Spanish forces taking part in the operations and details of their losses, which amount to thirty-nine killed and wounded, exclusive of the losses of the native forces and of the Foreign Legion. The communiqué adds that the operations were to be continued yesterday and as long as necessary, with the help of an intensive use of aeroplanes.

H. R.

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## (b.) British Claims in the Spanish Zone of Morocco.

[W 4243/128/28] No. 91.

*Mr. Shearman to Mr. MacDonald.*

Sir, *Foreign Office, May 10, 1924.*

I HAVE the honour to report that, in accordance with your instructions, I arrived at Madrid upon the morning of the 12th March last in order to represent His Majesty's Government as British agent to the Anglo-Spanish Moroccan Claims Commission. It will be remembered that by the terms of the Agreement of Madrid of the 29th May, 1923, fifty-three claims by British subjects and British-protected persons in Morocco were scheduled for hearing; but that by article 2 of the agreement the Spanish Government placed thirty-three of the claims upon a special list, referred to as list B, alleging that these claims were not of their nature arbitrable, inasmuch as they arose

either from military operations or from the acts of bandits, or from rebellions of the tribes. Particulars of all the claims, with copies of the necessary documents, had been prepared beforehand and sent to M. Huber and to the Spanish Government. On arrival at Madrid, however, the Spanish Government had not produced their legal thesis on the arbitrability of the claims envisaged by article 2.

2. At M. Huber's request, I called upon him at the Ritz Hotel upon the 12th March. M. Hammarskjöld, the secretary to the commission, was also present. M. Huber, after referring to the delicate nature of his task, asked me whether I agreed that Algeciras would be a suitable headquarters for the commission, instead of some place in Morocco as laid down in the agreement. He pointed out the Spanish Government would not agree to sit in Tangier, and that Tetuan, from what he had heard, did not possess suitable accommodation, or the usual amenities of life which could reasonably be expected. He also expressed alarm at the unsatisfactory state of public security in the Tetuan district. I expressed my willingness to agree to the choice of Algeciras, provided that the commission did not fail to visit Tetuan afterwards; and it was therefore arranged that, after some ten days' preliminary sittings in Madrid, the commission should betake itself to Algeciras.

3. The first meeting of the commission took place at the Ministry for Foreign Affairs in Madrid at 6 P.M. upon the 12th March, 1924. Professor Max Huber presided, assisted by M. Hammarskjöld, the secretary to the commission. I, as British agent, represented His Britannic Majesty's Government, assisted by Mr. Cecil Hope-Gill, His Majesty's acting vice-consul at Tetuan; and His Catholic Majesty's Government was represented by Señor Don José de Yanguas y Messia, Professor of International Law at the University of Madrid, assisted by various subordinate officials. Señor Aguirre, the head of the Morocco Department of the Ministry of Foreign Affairs, welcomed the commission in a short introductory speech, in which he dwelt upon the necessity of settling this long outstanding dispute in the spirit of friendliness. Professor Max Huber then read a lengthy discourse, a copy of which is appended to this report (Appendix (A) ).* *Inter alia* he expressed his desire that a respectful message should be conveyed to their Majesties King Alfonso XIII and King George V. Mr. Gurney, Counsellor of His Majesty's Embassy at Madrid, who was present, undertook to convey this message to His Majesty's Ambassador for transmission to London, and M. Huber was received by His Majesty the King of Spain on the following morning. Beyond further complimentary speeches by myself and by my Spanish *vis-à-vis*, nothing further was done at the first meeting. Before parting, however, the Spanish Government representative handed me a copy of a thesis entitled "Premier Rapport que le Représentant espagnol adresse à M. le Professeur Max Huber." A copy of it is attached (Appendix (B) ),* and it will be noticed that it is a formidable-looking document of considerable length. In my written reply (Appendix (C) )* I confined myself mainly to the most important issue, that of the arbitrability of the claims on list B. The fact that my reply is only about one-fifth the length of the Spanish thesis may be explained by the fact that four-fifths of the arguments put forward by the Spaniards seemed to me to be either irrelevant or to consist of a tiresome repetition of the one or two points decked out by excessive verbosity and pomposity of language. The countless references to the generosity and "esprit de bienveillance" of the Spanish Government would, in themselves, occupy many pages of close-written type.

4. Apart from preparing this reply, our time in Madrid was fully occupied with daily sessions at the Ministry for Foreign Affairs. A preliminary examination was made of all the cases, both those upon the so-called list A, the arbitrability of which was not in dispute, and those on list B. Several interesting facts emerged. In the first place, it was obvious that the preparation of the British cases was incomplete and the documentation defective, and, in the second place, it was clear that the legal basis for at least half the B claims was exceedingly weak and flimsy. With regard to the first point, Mr. Hope-Gill, whose work both before and during the sittings of the tribunal deserves the highest praise, proceeded to lay the foundations of what eventually turned out to be a singularly complete dossier dealing with every claim at length. So far as the law was concerned, I freely admitted the main Spanish thesis of non-responsibility for damages done by rebels or bandits, but strenuously contended that our cases fell within certain defined exceptions. Where negligence could be shown, or failure to punish an offender, or where compensation had been awarded to some and not to others, I contended that the Spanish Government were liable to compensate. Unfortunately, however, a good many of the British cases disclosed

* Not printed.



scarcely any evidence of negligence, being claims for isolated acts of banditry. In one particular class of case, however, the Spanish Government's argument appeared to be singularly inept. This was in the case of claims arising from looting and damage by Spanish troops. Owing to the wording of the agreement the Spaniards were driven to argue that the acts of their own troops were the acts of bandits. When I remarked that such an argument did no credit to the pride or prestige of the Spanish army, the Spanish representatives made no effort to hide their annoyance. On this and on other occasions it was remarked that their susceptibilities were easily provoked by any slighting references to Spanish methods of administration.

5. In this account of the preliminary work in Madrid, I may mention that the Spanish Government took considerable trouble to ingratiate themselves with M. Huber. Besides being received by the King, he was entertained at lunch by General Primo de Rivera and the Directory and other hospitality was accorded to him. M. Huber was also received by His Majesty's Ambassador, and Mr. and Mrs. Gurney entertained him informally to dinner at their residence in Madrid.

6. The commission left for Algeciras on the night of the 20th March and arrived there during the afternoon of the 21st March. Excellent accommodation was provided at the Hotel Reina Cristina, and most of our work was done in large sitting-rooms commanding beautiful views of the bay and the Rock of Gibraltar. The British representative was strengthened by the addition of Mr. C. A. W. Were, lately His Majesty's vice-consul in Tetuan, and Miss Freda Moore, an efficient shorthand typist with a perfect knowledge of Spanish and French. Miss Moore, being able to translate English and French documents into Spanish and *vice versâ*, was of great assistance, and Mr. Were was most helpful in assisting in the arduous task of analysing and documenting the various claims. The Spanish team was reinforced by the advent of a Colonel Galiai, who, except for the circumstance that he had once sat on an abortive commission constituted by the Spaniards to examine the claims in Tetuan, appeared to have no knowledge of Morocco whatever. His zeal, however, was excessive, and he missed no opportunity of spurring on the flagging energies of the official Spanish representative, even to the extent of making the latter on occasions look extremely uncomfortable and worried.

7. The commission remained at Algeciras for about two weeks and a half before departing for Morocco upon the 7th April. During this period we broke the back of the work before us, and I venture to hope that the ultimate result will be favourable. The twenty claims upon list A were carefully examined, leaving only the difficult question of the valuation of the price to be determined. With the exception of one claim for damages for loss of crops through fire (claim 40) the question of liability was scarcely disputed and the controversy ranged mainly round the date of expropriation. Most of these claims are for expropriation of land and buildings, and in almost every claim it was contended upon behalf of His Britannic Majesty's Government that the original seizure was illegal inasmuch as no attempt had been made to make use of the expropriation procedure prescribed by the Act of Algeciras. Upon this basis it was argued that the correct date to choose was 1913, when the original seizures were made. The arguments and counter-arguments on this and other issues will be found in the documents contained in the annexed schedule (Appendices (E), (F), (G) ),* but, on the whole, I am inclined to think that M. Huber will be prepared to award a substantial sum to these claimants. Besides these twenty claims, I contended that at least eight of the so-called B claims (Nos. 1 (27), 5, 25, 26, 44, 46, 48 and 53) should be added to those on list A on the ground that in no sense could they be regarded as arising from military operations or the acts of bandits or Kabiles. Three of these were eventually by agreement so added (Nos. 5, 46 and 48). The fate of the remainder rests with M. Huber, who will presumably decide this point at the next meeting of the commission.

8. With regard to the B claims proper a serious situation arose. The legal position, both as regards arbitrability and admissibility, was fully discussed at Madrid and Algeciras, both verbally and by means of written memoranda prepared by either side. As soon, therefore, as the facts of the A claims had been fully discussed the commission proceeded to deal in order with the facts of the B claims. It was recognised that the wording of the agreement of Madrid bound M. Huber to decide the question of arbitrability before proceeding with the examination of the claims from the point of view of establishing the responsibility of the Spanish Government. No previous objection, however, had been taken to M. Huber's proposal to postpone his

* Not printed.

decision on that issue until a later stage, and plans were made for visiting the areas affected by these claims at the same time as the visits to the areas affected by the A claims. Suddenly, however, one morning Señor de Yanguas announced (no doubt on new instructions from Madrid) that in no circumstances could he consent to a visit of the commission to the *locus in quo* of any of the B claims until the question of the arbitrability had been decided. Inasmuch as shortly before M. Huber had announced his intention of considering this important legal question at his own time in Switzerland, the effect of this Spanish bombshell was to produce a deadlock. In vain I emphasised the ridiculous situation which would arise if it were seriously contemplated that M. Huber could properly ride through one field and be forbidden to look over the hedge into the next. For this was indeed the case, as the properties affected by the two classes of claims were often immediately adjacent, and it was obvious that in the interests of economy, if not of common sense, it was important that one visit to Morocco should suffice without entailing the expense of a second. The Spaniards, however, remained obdurate, and as M. Huber, possibly from motives of timidity, was also obdurate in refusing to give his preliminary decision on arbitrability, we had perforce to shelve the B claims for the moment. I will revert to the present position of these B claims at a later stage of this report, but I feel that an instance of the type of argument used by Señor de Yanguas in this controversy is worth recording as revealing the mentality of the Government with which we are dealing. Speaking slowly and with every sign of emotion, he said that if M. Huber looked at a single orange garden or a single building that formed the subject of a B claim, then the whole of the inhabitants of the Spanish zone would arise in conflict with their protectors, that apart from innumerable and immeasurable claims arising from all sides, open rebellion and sedition would break out, and that in all probability Spain would leave Tetuan again to the Moors. In these circumstances it is hardly, perhaps, surprising that M. Huber hastily said that he preferred to consider the whole of this delicate situation in seclusion in Switzerland. I cannot help thinking, however, that a stronger man, with a better judicial temperament, would have been undeterred by Señor de Yanguas's rodomontade and petulance (he threatened at one moment to leave the commission to its fate), and would have sternly insisted on doing what he had always intended to do, *i.e.*, to visit all the sites at one time.

9. Apart from this outburst the relations of the various members of the commission at Algeciras were fairly friendly. When the crisis occurred I hastily invited the whole commission to dinner, and a more agreeable atmosphere was diffused as soon as the spirit of conviviality got to work. The Spaniards gave a dinner in return, and were in other ways most civil and courteous in their attentions and arrangements for expeditions and outings into the surrounding country. I must also record that the Governor of Gibraltar (General Sir C. C. Monro) and Lady Monro very kindly invited MM. Huber and Hammarskjöld to lunch at Government House. I accompanied them over with Mr. Hope-Gill, and I think that there is no doubt that M. Huber took away a most agreeable impression from his visit to the Rock and his entertainment there.

10. Early in the morning of the 7th April, in a boisterous gale and amid torrents of rain, the commission embarked upon the packet steamer for Ceuta. Elaborate arrangements had been made to meet the commission on its arrival. A special train containing the Royal coach was drawn up at Ceuta station of the new Ceuta–Tetuan Railway. At Tetuan itself there was an imposing array of personages in uniform to welcome us in the name of the High Commissioner. Four excellent motor-cars were placed at our disposal, and soon after our arrival the High Commissioner (General Aizpuru) entertained the commission to lunch. The same evening the commission were entertained to a Moorish tea in a beautiful palace belonging to the Governor of the town, the representative of the Khalifa who had not yet been appointed. Nearly all the personnel of the commission stayed at the hotel, in the Spanish quarter of the town, which had a suspicious air of having been hastily repainted for the commission's arrival. Throughout the stay of the commission in Tetuan, the Spanish administration certainly did their best to impress us with the beneficent result of the establishment of the protectorate. In view, however, of the fact that the arbitration mainly turned upon the controversy between certain distinguished Moors such as Sid Abdelkader-er-Zhini and the Spanish Government, the British representative endeavoured to persuade M. Huber to take more interest in the native aspects of Tetuan. As Er Zhini was himself a claimant, perhaps M. Huber was right in declining to accept his proffered hospitality at first, but I was rather disconcerted afterwards, in endeavouring to arrange for a dinner for the whole commission, including the Spaniards, in Er Zhini's charming



Moorish house, to be met with a blank refusal to attend, not from M. Huber, but from the Spaniards.

11. Most of the time of the commission in Tetuan was spent in visits to the sites and localities affected by the claims. No time was wasted over this, as an elaborate time-table had been prepared at Algeciras. When possible the claimants themselves and their witnesses accompanied the commission and were interrogated first by M. Huber and afterwards by the representatives of either side. Owing to the general insecurity of the district (some people were captured in broad daylight within sight of the walls of Tetuan during this very week), it was necessary to furnish an escort of soldiers for the longer visits to the gardens. All the sites of the A claims were visited, and in spite of the fuss made at Algeciras, I know that M. Huber quietly took the opportunity of seeing for himself the nature of the adjacent areas affected by the B claims. Meetings were also held in the hotel to discuss what had been seen, and a list of plans and measurements, which were still considered necessary, was prepared and handed to the two representatives. During one of these meetings we were regaled with another characteristic outburst from Señor de Yanguas. For weeks before it had been planned that on leaving Tetuan we should proceed to Tangier for a few days, making it a base for expeditions to Arzila and Laraiche, where there were sites to visit. On the very day before our departure Señor de Yanguas announced that by orders from his Government he would refuse to attend any sitting of the commission in Tangier. Seeing that we had summoned claimants and witnesses to attend there, I strongly protested at this attitude, which I asserted to be contrary to the wording of the agreement itself, which provides for sittings anywhere in Morocco. Still, argument is useless on these occasions, and, as nothing could be done, I promised to try and make other arrangements. I, however, could not resist pointing out that, if in the default of these arrangements it was still necessary to hold a sitting, the best course would be to hire a car and drive for about half-an-hour into the country until we could find a field just within the Spanish zone and outside the hated international boundary in which the commission could sit, if necessary, upon the grass.

12. The result of the stay in Tetuan was satisfactory. All the localities affected by the A claims were visited, and although in some cases an actual inspection of the site disappointed some of us who had been misled by the grandiloquent descriptions furnished by some of the claimants, M. Huber was able to see at first hand what had actually taken place in Tetuan since the establishment of the Spanish régime. The actual presence of a personage whom the Moors called "the cadi" has restored confidence in British prestige, whatever may be the result of the labours of the commission. It is unfortunate that at the present moment no agreement has been reached on the question of the valuation of land and produce. His Majesty's vice-consul at Tetuan is still endeavouring to arrange this with the Spanish authorities. In default of an agreement, M. Huber will have to fix his own criterion from the data we have given to him. Before leaving, the commission paid a formal visit to the residence of the High Commissioner in order to take leave of General Aizpuru, Señor Saavedra and the officials of the Administration.

13. Upon Monday, the 14th April, we left in motor-cars provided by the High Commissioner for Tangier, where we remained until the following Thursday. Unfortunately Mr. Robertson, His Majesty's agent and consul-general, was detained in the French zone by illness and was not able to meet M. Huber, who called upon him as soon after our arrival as possible. I managed to see Mr. Robertson upon his return to Tangier on the following Wednesday, but the time at our disposal was too short to enable us to arrange a meeting. M. Huber was, however, entertained to lunch by Sir Basil and Lady Scott, and several members of the British colony were asked to meet him. On the day after our arrival the commission drove in motor-cars to Arzila, on the Atlantic coast, in order to visit the locality affected by Mr. Holliday's claims. The Spaniards took this opportunity of arranging for the entertainment of the commission to lunch by the basha of the town, who is a nephew of Raisuli and resides in a beautiful palace built upon the rocky sea coast at the edge of the sea. It had also been contemplated that a further visit to Laraiche would be necessary in order to inspect the area of Mr. Forde's claim for expropriation of land for the construction of the Laraiche–Alcazar Railway. It appeared, however, from an interview which we had with Mr. Forde at Tangier that he had virtually settled this case with the Spanish authorities. The visit to Laraiche was therefore abandoned, but unfortunately it afterwards appeared that the so-called settlement might after all prove to be illusory, and that M. Huber may have to decide this claim without having actually visited the spot. If only Señor de Yanguas had not seen fit to refuse to attend a sitting of the

commission at Tangier, a misunderstanding of this sort could not possibly have taken place. But he not only refused to attend, but even disappeared into hiding somewhere during the whole of our stay in Tangier, only emerging for the purpose of making an expedition into the Spanish zone.

14. On Thursday, the 17th April, the commission left Tangier by boat for Algeciras. The weather was so stormy that it was almost impossible to get on board the steamer from the tender, but fortunately (for some reasons) the journey was achieved, as I understand that the weather afterwards became so bad that no steamers could use the harbour of Tangier for nearly a week. Further meetings of the commission took place over the week-end, and the final meeting took place upon Monday evening, the 21st April. M. Huber handed to me and to my Spanish colleague a list of further documents and memoranda which he still considered necessary, and it was arranged that during the month of May both sides should complete this side of the work. Upon some date yet to be fixed M. Huber will invite the commission to reunite either at The Hague or in Switzerland. The date will probably be at the end of June. The proceedings at this session are not expected to last long, and it is anticipated that M. Huber will deliver his award upon the A claims and his decision upon the arbitrability of the B claims. It will then be necessary to examine the B claims from the point of view of determining the liability and the amount to be awarded. I do not, however, anticipate that this will take long, because, in the first place, the issue of liability will be determined upon almost precisely the same grounds as the question of arbitrability, and, in the second place, the documentation and presentation of the B claims is now quite complete enough to enable M. Huber to arrive at a decision without further arguments.

15. The proceedings at Algeciras were terminated by a banquet given by M. Huber upon the night of the 21st April, and the commission then broke up until the next meeting in June. I proceeded to Madrid and informed His Majesty's Ambassador of the progress that had been achieved. Only one thing remains to be recorded at present in this preliminary report. I met Señor de Yanguas in Madrid by arrangement some days after Algeciras, and he proposed to me privately that the two Governments should withdraw the whole of the arbitration of the B claims from M. Huber and agree to place them privately before a small military commission to assess the amount due. I naturally told him that I could not agree to this without authority, and since my return I have been authorised to inform Señor de Yanguas in a private letter that his suggestion is not feasible, but that His Britannic Majesty's Government are not averse to withdrawing these claims if the Spanish Government will instantly pay over in cash the sum of 700,000 pesetas. I am not sanguine that they will do so, but it is interesting to note how mortally afraid the Spanish Government appear to be when there is a possibility that an international tribunal may find them guilty of negligence in their administration in the Spanish zone of Morocco. They may think that it is worth paying any sum to avoid such a calamity.

I have, &c.
MONTAGUE SHEARMAN.

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**(c.) Spanish Proposal regarding the Internationalisation of their Zone.**

[W 467/17/28] No. 92.

*Sir E. Howard to the Marquess Curzon of Kedleston.*—(*Received January* 18.)

(No. 12.)
(Telegraphic.) *Madrid, January* 17, 1924.

TANGIER.

President of Directory came to see me to-day. He said that Spanish Government were prepared to sign in a day or two, but were submitting further consideration to French Government respecting control of customs. He went on to say that he proposed to submit to League of Nations suggestion that entire Spanish zone should be internationalised like Tangier zone and that signatories of Act of Algeciras should undertake administration, Spain being quite ready to do her share, but not willing to continue to bear burden of administration alone. I asked if he had submitted this proposal to council yesterday, and he said he had, but did not volunteer more information.

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[W 585/17/28] No. 93.

*Mr. Robertson to the Marquess Curzon of Kedleston.*—(*Received January* 22.)

(No. 3.)
(Telegraphic.) *Tangier, January* 22, 1924.

MADRID telegram No. 12 of 17th January.

May I emphasise great importance of suggestion that Spanish zone should be internationalised. Such a solution would still further guarantee our communications and remove fear that France may some day endeavour to dominate Mediterranean coast of Morocco. Present Spanish tenure is highly precarious, and may terminate at any moment.

I feel sure that tribesmen would warmly welcome internationalisation, but opposition must be expected from France and from the Sultan. If Spain, however, refers direct to League of Nations, it should not be difficult to overcome this opposition and find solution to a most serious question which we shall inevitably have to face some day.

I venture to suggest that it is in the interest of the peace of the world and of vital importance to us to encourage Spanish suggestion, even at risk of ill-feeling in France.

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[W 576/17/28] No. 94.

*Sir E. Howard to the Marquess Curzon of Kedleston.*—(*Received January* 23.)

(No. 46. Confidential.)
My Lord, *Madrid, January* 19, 1924.

WITH reference to my telegram No. 12 of the 17th January, reporting a short conversation with General Primo de Rivera on the subject of the Tangier Convention, in which he stated that the Spanish Government would no doubt probably sign that instrument, but that he intended to transmit to the League of Nations in due course a proposal that the whole Spanish zone should be placed under some form of international administration, I venture to submit the following observations:—

I have already drawn your Lordship's attention to the fact that there is, apart from the question of *amour-propre*, a feeling in Spain that the Spanish zone has become an intolerable burden for the country to bear, and that it is a burden which Spain has undertaken not only in her own interests, but also in the interests of all maritime Powers, and especially England, who do not wish to see the northern littoral of Africa at the entrance of the Straits of Gibraltar in the hands of some first-class Power which might be able, in case of war, to close the entrance to the Straits. This is a theme which is constantly cropping up in newspapers of all shades of opinion in Spain, and which is certainly taking hold of the public to a very considerable extent. I feel little doubt that if the country could liberate itself from the burden of the zone without inflicting too severe a wound on national *amour-propre*, or any serious loss of national prestige, such a solution would be largely welcomed.

On the other hand, it would seem out of the question for any international mandate to be given over so difficult a country and so recalcitrant a people as the eastern part of the zone and Riff tribes. It strikes me, however, that should the Spanish Government ever seriously contemplate abandoning the zone, it might be worth while considering the possibility of extending the international administration of the restricted Tangier zone so as to cover the greater part of the Tangier peninsula and include the territory that would be bounded, roughly, by Arcila on the Atlantic to some point near Tetuan on the Mediterranean. In this way I venture to think that it would be possible to safeguard the freedom of the passage of the Straits without throwing any heavy burden on to the administration of the international zone.

I venture to submit this suggestion to your Lordship with all diffidence, and for what it may be worth, as it seems to me very probable that His Majesty's Government may be faced before long with the necessity of finding some substitute for the Spanish Government in the present Spanish zone of Morocco.

I have, &c.
ESME HOWARD.

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